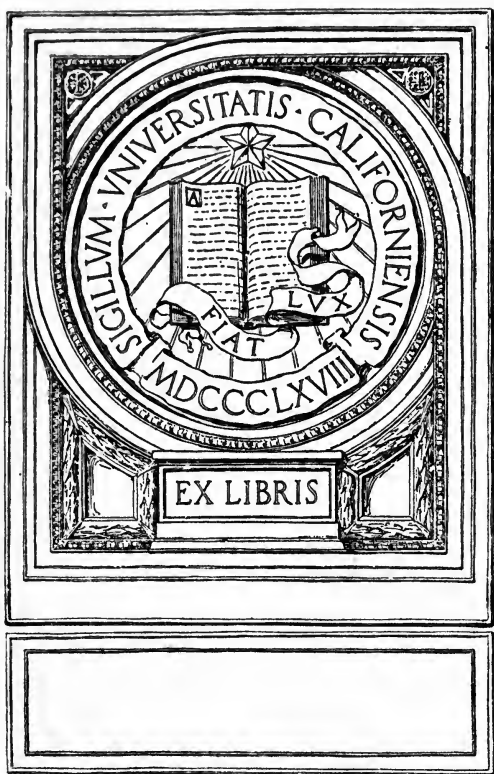


THE
ALIEN PROBLEM
AND ITS
REMEDY

M. J. LANDA



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THE ALIEN PROBLEM AND ITS REMEDY

BY

M. J. LANDA

LONDON

P. S. KING & SON

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1911

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TO THE
AMERICAN

TO THE MEMORY
OF
MY FATHER AND MOTHER

240049

PREFACE.

THE exclusion of undesirable aliens is now an accepted feature of English political opinion. Adherence to the view may vary in degree, according to personal predilection on the one hand and definition of the term "undesirable" on the other : the standpoints are inter-related, definition being dependent upon the sympathy, or sentiment, or prejudice animating the interest in the question. The Aliens Act of 1905 during the period of its existence on the Statute Book, now more than five years, has been freely criticised from this triple attitude. It has satisfied neither section of its critics—the class that is uncompromisingly hostile to the alien simply because he has, to use the legal term, "not been born within the allegiance of the Crown of the Kingdom"; those whose sole concern is excited by the fear that a treasured tradition, the Right of Asylum to persecuted refugees, is in danger of being abruptly ended;

and the third party which has ever been anxious that a sharp distinction shall be drawn between the criminal (and others admittedly undesirable) and the far greater section of honest and worthy mankind which for varied reasons, is driven from its native lands. It cannot be denied that the literature on the subject for many years—during the whole modern history of the question, in fact—has been hopelessly one-sided. Moreover, the real problems of alien immigration have been obscured and confused by sweeping generalisations. The public has been taught to draw hasty conclusions from isolated instances and exceptional events, which, evil though they are in themselves, are unduly magnified and embellished until they arouse passion and create panic.

It is with the object of presenting the problem in proper perspective and proportion that the compilation of this work has been undertaken. The survey is comprehensive and the subject is treated in its social and economic aspects rather than as a political factor. To the task I have brought a

lifelong intimate knowledge of the alien and years of close study of the question, an interest that has taken me on a visit to Galicia and Russia and on a special journey to Bremen and Hamburg to report on the organisation of the enormous emigrant traffic from those ports. With the working of the Aliens Act I have become acquainted by attending the sittings of the London Immigration Board of Appeal for over three years. The alien question is largely statistical, and the figures in this volume are taken from official and authoritative sources only. Two questions have been left untouched as outside the scope of the problem of alien immigration. I refer to foreign seamen on British ships and alien pilots. The last-mentioned class has been considerably affected by section 73 of the Merchant Shipping Act of 1906: this put a period to the granting of pilotage certificates to foreigners, a provision which, according to the recent Report of the Departmental Committee on Pilotage (Cd. 5,571, p. 91), has led to serious complaint from Continental Powers.

I have to acknowledge my indebtedness to Mr. Harry Sacher, barrister-at-law, of the Middle Temple, for his valuable assistance in connection with the chapter on "The Right of Asylum and the Status of the Alien."

M. J. LANDA.

LONDON,

April, 1911.

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THE ALIEN PROBLEM AND ITS REMEDY.

PART I.—THE PROBLEM.

CHAPTER I.

THE AGITATION.

ALTHOUGH the alien question, as it exists in the United Kingdom to-day, is but little more than a quarter of a century old, it can boast a long and aristocratic ancestry. It is generally conceded that its lineage begins at latest with William the Conqueror, but scrupulous historians trace it back centuries beyond. Alien immigration is, in truth, contemporaneous with English history; the two are indissolubly linked. The most ancient Briton himself, the Ivernian, was a foreigner, hailing from the south of Europe. England was belated in its acquisition of civilisation; the Romans brought it, and introduced also Christianity. Only with the coming of the alien did the uplifting of the Briton and the development of the land begin. The native discarded his coat of woad and donned the trappings and took up the accoutrements that

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enabled him to march along the path of progress at an unprecedented rate. Each new batch of invaders were his evolutionary pacemakers. They taught him organisation, they revolutionised his character, they altered the face of his land. They introduced his industries, until in the little semi-savage Isles of the West there grew up a race that to-day stands as the wonder of the whole world, transcending in development towards the ideal of mankind all the tribes that went to the making of him. It is customary to speak of "the Briton" as if he were aboriginal, but so great an authority as Dr. William Cunningham thought it advisable to open his admirable history, "Alien Immigrants to England," with these striking words:—

"So many diverse tribes and stocks have contributed to the formation of the English nation that it is not easy to draw a line between the native and the foreign elements. After all, the Jutes and Saxons and Angles were themselves immigrants, who came to this island in historic times; the main stock was transplanted, and is no more native to the soil than the branches which have been grafted into it from time to time."¹

* The English nation of the present time is an adventitious product—none the less the outcome

¹ A *Pall Mall Gazette* versifier in August, 1909, thus ended a quaint "poem" on the theme:—

"The Paleolithic, Stone and Bronze Age races,
The Celt, the Roman, Teutons not a few,
Diverse in dialects and hair and faces—
The Fleming, Dutchman, Huguenot and Jew;
'Tis hard to prove by means authoritative
Which is the Alien and which the native.'

of Nature's curious scientific methods—in which all that was best in its ancestry has been selected and refined in the crucible of time. English history is brief as histories go, but full ; its achievements are tremendous. For this its alien elements are largely, if not entirely, responsible ; they enabled the Briton to develop on what may be termed modern lines. His evolution began where that of others left off, and concurrently with the moulding of his character his land was transformed into the most wonderful manufacturing machine, supply stores and distributing agency the world has seen. The axis of the life of our planet was altered, and the world revolved round London. Aliens, suffering from the maladies clinging to the skirts of civilisation and from the cruelties that followed the great cleavage in Christianity, fled to these shores, and were received more or less hospitably. They came not empty-handed. Like the Israelites of old, they spoiled the Egyptians from whom they fled, and brought rich store of gifts. Choice saplings of the tree of industry, a plant of infinite variety, were carefully stored away in the wallets of the fugitives, and, transplanted in British soil, thrrove remarkably. Before the Reformation, Low Countrymen from the Netherlands brought weaving, and the cotton industry came to Lancashire in the middle of the sixteenth century, brought by exiles fleeing from Alva's persecution. Edward III. introduced weavers from Hainhault, for it was found that even the driest of the English counties

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was more suited to spinning and weaving than the lands from which the workers came. The Middle Ages saw a great procession of industries; they came with a rush after the Reformation. Silk manufacture came in the sixteenth century with Flemish weavers driven from Flanders by the Spaniards, and later the harried Huguenots brought more of this industry, and other trades. Ireland is indebted to the Huguenots for poplin and for linen weaving; ribbon making came to Coventry with the expatriate weavers from Tours and Lyons. Carpet makers gravitated to Wilton from France. Woollen manufactures were established in Wales as far back as the time of Henry I. by a colony of Flemings. The English were great wool producers, but until the foreign weavers came they exported the product for manufacture abroad. In the Plantagenet period many Flemish weavers settled in the Eastern Counties, mainly in Yorkshire, and the woollen industry received a great impulse. Caxton introduced printing in 1471, Italians and the Huguenots were responsible for glass making in Elizabeth's reign, and Venetians were brought over to manufacture mirrors. Germans and Dutch brought sugar baking, and the Hollanders also reclaimed land at Canvey Island, and introduced brass founding. Leather workers, silversmiths, brewers and distillers, tapestry weavers, workers in damask and velvet, sail-cloth makers, hat makers, paper makers also brought along their trades. These

great blessings are remembered thankfully. Dr. Cunningham thus summarises the results of the early alien immigration:—

“It is clear that for the whole of our textile manufactures, for our shipping, for numberless improvements in mining, in the hardware trades, and in agriculture, and for everything connected with the organisation of business, we are deeply indebted to the alien immigrants. Their influence on other sides of life is less easy to assess and trace; but it is none the less real. It may suffice to say that all through the Middle Ages our isolated country was behind the rest of Europe in many ways and that it has been through the agency of immigrants that we have been brought into contract with higher civilisations and thus enabled to learn from them.” (P. 263.)

The Report of the Royal Commission on Alien Immigration acknowledges the debt to the aliens very tersely: “Nearly all our chief trades have been made by them.”¹ Much of our very flora is exotic. Ancient Britain was covered with forests and swamps. The Romans introduced many fruit trees and edible plants, the Normans brought the vine, the gooseberry, the currant, and others, and the Huguenots dotted the suburbs with market gardens. The hop is another alien. But it is a mistake to assume, as is loftily done by the extreme advocates of exclusion, that these benefits were always recognised and appreciated, that the past generations of alien immigrants were invariably welcomed. It is true that the misfortunes of the refugees excited the people to practical pity, that

¹ Cd. 1,741, par. 16.

huge sums of money were collected for them, and that at times they enjoyed certain privileges. But it is true also that other emotions than sympathy and pity frequently stirred English hearts. The new nation was not very old when it began to exhibit an intense restlessness. In the melting pot of England the cosmopolitan had become composite: it had been welded into a Chauvinistic nationalism. England was the first to expel the Jews who had been brought over by William the Conqueror, and had introduced commerce and banking, and had proved themselves a source of great revenue to the kings: that was in 1290. The ban was removed by Cromwell, and religious freedom established shortly afterwards by an Order in Council in 1685. The history of alien immigration, however, is marked throughout by exhibitions of intolerance, of fear and of hatred, similar to those evinced at the present day. The anti-alien has a long pedigree: his ancestor was a less peaceful personage.

Hostility was frequently as pronounced as hospitality, and was freely translated into legislation. London—so ran the cry—was overcrowded, and Privy Council Orders acted as a distributing force. Aliens, it was complained, injured trade, lived more cheaply than the natives, and under-sold them. Not only were the complaints of to-day anticipated, the very language in which they were couched betrays a similarity which suggests anticipatory plagiarism. In the time of Queen Anne—

whose death is a common synonym connoting remote antiquity—a writer declared that the aliens were taking the bread out of the mouths of the people. Centuries before that time Chaucer referred to the bitter feeling against the Flemings, which produced rioting. The populace resented the trading privileges conferred at times, and many restrictions and special taxes had to be borne by the aliens. In the time of Edward I. the citizens of London petitioned that the alien merchants might be banished; during the reign of the second Edward there was an outcry against alien farmers and customers of the Crown. Under Richard II. and Henry VIII. there were vexatious restrictions, and in the latter period the calendar was marked by the fierce rioting against the foreigners on “Evil May Day” in the year 1517. Legislative enactments were numerous, imposing at times passport regulations, but with few exceptions all the Acts passed in almost every reign since the time of Richard II. were swept away by the General Repealing Act of 1863. By that year freedom, political and religious, was thoroughly established in England, and the Naturalisation Act of 1870 enabled aliens after a few years’ residence to place themselves on an absolute equality with Englishmen. England stood as a pattern to the world, the greatest nation in history. Its component foreign elements had been moulded into one homogeneous whole: it had outgrown its national force and was spreading itself and its ideas of

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government and civilisation over the face of the earth, winning to its service and to its general usefulness some of the darkest corners, the hitherto impenetrable recesses.

And the time had come for a new alien influx, for a new anti-alien agitation. Russian tyranny was the cause of the influx, our Colonial expansion the excuse for the agitation. The oppressive measures against the Jews in the dominion of the Tsar took new form and received a vile impetus in the cruel "May Laws" of 1882. Jews who could not prove their right to live on the land were driven to the towns, which became overcrowded. The congestion was intensified by the enforced concentration of the Jews into the fifteen provinces known as the Pale of Settlement. The only hope of thousands was flight, and there was a great exodus to England and to America. England proved itself true to its noblest traditions. A Mansion House meeting was held in February, 1882, and a sum of £108,000 was amassed to assist the refugees.

Then Mr. Arnold White entered upon the scene. He was engaged at the time in settling English families in South Africa, and he jumped hastily to the conclusion that as many foreign immigrants were arriving and settling here as native emigrants were leaving. A bitter agitation was set afoot. The cry arose that "hordes" of destitute aliens were invading the country, driving out the English inhabitants. It was a cry that quickly appealed

to many people who are impressed by unrestrained language. England was picturesquely described as the refuse-heap of Europe. A fiercely lurid ray was focussed upon the East End of London, which was presented as a foul spot overcrowded with a loathsome foreign populace engaged in sweated industries. The overcrowding was undoubtedly serious, the cry against inhuman conditions of labour not without cause. It was the latter evil which appealed mostly to the public. Restrictive legislation was demanded. Obviously it could not be undertaken without inquiry, and it cannot be said that the Government was indifferent to the clamour. The first investigation was undertaken in 1887, the year of Queen Victoria's Jubilee. It was not an elaborate inquisition. The results were a series of tables prepared by the Board of Trade, a departmental memorandum by Mr. (afterwards Sir) R. Giffen, and a report by its Labour correspondent, Mr. John Burnett, on the state of affairs in the East End of London and one or two other places in the country. The statistics of Jewish charities were also considered. The main conclusion was that the foreign immigration was not as large as that of the native emigration from the United Kingdom. The whole foreign population resident in the United Kingdom at the census of 1881, it was pointed out, was 135,640, less than the net emigration of British and Irish persons in a single year. There had been an increase since the census, but "it would not appear that the total

numbers of immigrants are as yet at all large compared with the numbers of natives emigrating from the United Kingdom.”¹ This reply to the agitation was not regarded as satisfactory. A deputation waited on the Home Secretary and the President of the Local Government Board on December 15th of the same year, and at the earliest moment in the succeeding session the matter was raised in both Houses of Parliament. Both movements were successful.

A two-fold investigation was granted. On a Select Committee of the House of Commons devolved the task of inquiring into the immigration of foreigners, and to a Select Committee of the House of Lords was entrusted the more onerous duty of reporting on the sweating evil. Hopes naturally ran high, more especially as both inquiries were prolonged. Mr. Arnold White was the guiding star of both. He acted as witness in chief, almost, in fact, as leading counsel for the prosecution, and his manner suggested, as it did again years afterwards when the Royal Commission was appointed, that he was the tribunal and the Government nominees his assessors. He laid a full-blooded indictment against the aliens with realistic “exhibits.” On May 8th, 1888, he brought a number of miserable-looking specimens before the Commons Committee, in order, as he said, “to produce the effect they previously had on me.”² But the theatrical device was a

¹ No. 112, p. 4.

² No. 305, min. 1,349.

fiasco. Doubt was cast upon the genuineness of some of the *dramatis personæ*, and Mr. White deemed it necessary to repudiate his selecting agent, who was to pay 5s. per head.¹

The Reports of both Committees were disappointing to the agitators. Neither the Lords nor the Commons were to be intimidated into a state of panic. They wrangled before they could decide upon their conclusions, which were of a tentative character. The Commons Committee issued its Report first, in 1889, and its conclusions and recommendations may thus be summarised: the number of aliens could not be stated accurately; they were increasing, but not to an alarming extent; the better class passed through to America whilst the worst remained; they concentrated in certain localities and were confined to a few trades; worked longer hours than the natives for smaller pay; were healthy notwithstanding their inferior physical condition and neglect of sanitary laws; were quick at learning, moral, frugal, thrifty, and inoffensive as citizens. Legislation was not recommended, the Committee contenting itself with a warning. Thus:—

“While they see great difficulties in the way of enforcing laws similar to those of the United States, and are not prepared to recommend legislation at present, they contemplate the possibility of such legislation becoming necessary in the future, in view of the crowded condition of our great towns, the extreme pressure for existence among the poorer part of the population,

¹ No. 305, min. 1,519.

and the tendency of destitute foreigners to reduce still lower the social and material condition of our own poor.”¹

Of the Lords’ Report, which was equally indefinite, bitter things have been said by its critics. Summed up, the complaints amount to this: the Peers laboured and brought forth—a definition. The alien question writhed its way all through the voluminous evidence, which was most conflicting. As a consequence, the Sweating Committee’s fifth and final Report, issued in 1890, made this noteworthy declaration :—

“We think that undue stress has been laid on the injurious effect on wages caused by foreign immigration, inasmuch as we find that the evils complained of obtain in trades which do not appear to be effected by foreigners.”²

Before the issue of this Report, Lord Dunraven, to whose initiative the appointment of the Committee was due, resigned the chairmanship. The Committee had refused to accept his draft Report containing a reference to alien immigration without, however, recommending legislative interference. Only he himself voted for the adoption of that Report, the remaining members of the Committee voting against. The above quotation appeared originally in the draft Report of Lord Thring, which, with some amendment, was accepted by the Committee.

¹ No. 311, p. xi.

² No. 169, par. 182.

In the face of such a serious double check the agitators did not flinch. The campaign was resumed with unabated vigour. Trades Unions were induced to pass resolutions, and an association was formed at a May Day meeting at the Westminster Palace Hotel, at which Lord Dunraven presided, and where Mr. Arnold White exhibited alien workers and sweated work. Sir Howard Vincent, unto the end of his days one of the most uncompromising advocates of exclusion, was at the meeting; and the secretary of the organisation was Mr. W. H. Wilkins, who had been private secretary to Lord Dunraven when the latter was Colonial Under-Secretary. Mr. Wilkins wielded a free pen, and for a time vied with Mr. Arnold White in highly-coloured phraseology. He described the aliens as robbing Englishmen of their birthright in an article in the *National Review*, in September, 1890. His book, "The Alien Invasion," is alarmist to a degree, and speaks of such things as the "Whitechapel slave market." Realising that the Parliamentary machine was not to be easily captured, the agitators set to work with a will to "educate the British public." They cast restraint to the winds, adopted the most violent transpontine manner of declamation and ranted to the gallery. In a furious all-round onslaught, they tilted at the official statistics. The census of 1891 showed an alien population in the United Kingdom of 219,523, an increase of 83,883 in the decade. Of

course, this was wrong, although strangely enough the official view of the 1891 enumeration is that the number of aliens was overstated, the reason being that persons born abroad who did not specifically state that they were British subjects were incontinently classed as foreigners. Next, the figures gathered by the Board of Trade at the ports were impugned. This enumeration was the one practical result of the House of Commons Committee. It was discovered that the only alien measure on the Statute Book was the Registration of Aliens Act of 1836, which had, however, fallen into desuetude on account of its passport regulations. At the instance of the Committee the section imposing on masters of vessels the necessity of compiling lists of alien passengers arriving in this country was put into operation.

These alien lists were issued monthly in a manner lending them admirably to mischief, of which the extremists fully availed themselves. The arrivals were classified into two sections—those described as *en route* to places out of the United Kingdom, and those not so described. The latter were unreservedly assumed to denote the number of settlers, despite the fact that the Board of Trade persistently pointed out that many of them subsequently left England. Not satisfied with ignoring this, however, the anti-alien agitators repeatedly asserted that many of those stated to be *en route* to other countries remained here. Moreover—and this is where a course of

deliberate misrepresentation was adopted and continued until this very day—the annual White Paper on Emigration and Immigration, which, among other things, gave the statistics of the *outgoing* aliens to America and other non-European countries, was completely ignored. This matter of the statistics will be more fully dealt with in a subsequent chapter. Suffice it to say here that even as late as 1905, a Unionist Cabinet Minister, Mr. Akers Douglas, the Home Secretary, in introducing the measure which is now law, lent himself to this method of calculation which showed a greater influx in one year than the census did in ten! Naturally such figures created alarm, which was intensified by a new Russian ukase in 1890 rigorously enforcing the May laws in their entirety. There was renewed flight, mainly to America and the Argentine, and a further Mansion House meeting with a magnificent collection of over £100,000. The Jewish authorities did their utmost to direct the stream of refugees to the new world: thousands passed through England as transmigrants. But they were observed, and that was enough.

The Government could not disregard the clamour, and when the Liberals came into power in 1892 and established the Labour Department of the Board of Trade, one of its first functions was to institute further inquiry. Two Commissioners, Mr. John Burnett and Mr. D. F. Schloss, were despatched to the United States to report on the

restrictive law in force there. At home, an elaborate investigation was undertaken. Two valuable Reports were published. That dealing with the immigration into the United Kingdom, issued in 1894 stands to-day—even after the issue of the huge tomes in connection with the Alien Immigration Commission of 1902 to 1903—as one of the most useful compilations on the question. It runs to 218 pages and treats the subject scientifically as an economic problem. But its conclusions were not to the liking of the agitators. The accuracy of the alien lists were insisted upon,¹ the correctness of the annual Emigration and Immigration White Papers were emphasised, and the number of aliens arriving for settlement were stated to be 11,567 in 1891, 11,140 in 1892, and 6,031 in 1893 when the rush from the land of the Tsar ceased.² Further, the reports which the Consuls abroad had been asked to furnish, were referred to, and the statistics of the Jewish Board of Guardians and the statement of the police authorities in various towns examined. The immigration into England was declared to be only part of a large movement of emigration westward from European countries,³ and, evidently in answer to the reckless statements made, the statistical report concluded:—

“But it is clear that we are now in possession of means of knowing the exact extent of this movement, -

¹ Cd. 7,406, p. 5.

² *Ibid.*, p. 7.

³ *Ibid.*, p. 13.

and no change of character, magnitude, or route can occur unobserved.”¹

Even more instructive were the reports in the volume dealing with the economic aspects. The amount of crime was stated to be “probably less rather than greater than the normal proportion among the whole population of London and neighbourhood,”² a strong tendency to “assimilation”³ and the “progressive” nature of the Jewish immigrant were noted, and it was remarked that the “greener,” *i.e.*, the new arrival, cheerfully submitted to temporary privation in the hope of bettering his condition.⁴ As to the effect on native labour, this notable comment was made:—

“Whereas there seemed to be no tendency amongst Jewesses to undersell non-Jewish women there is evidently a strong desire amongst wholesale clothiers to replace Jewish male labour by non-Jewish female labour as much as possible, a desire which seemed to be due partly to dislike of the Jews, partly to the greater cheapness of female labour, and partly to the greater self-assertiveness and persistence in making a good bargain displayed by Jewish men as compared with English girls.

“If besides losing the lower class of the ready-made trade by this growth of employment of women in provincial factories, the Jewish tailors were threatened on another side by the competition of Englishmen in the manufacture of the better class, on the system taught them by the Jews, the consequences to the Jewish tailoring trade would be most serious. Nothing

¹ Cd. 7,406, p. 22.

² *Ibid.*, p. 61.

³ *Ibid.*, p. 134.

⁴ *Ibid.*, p. 135.

but the conservatism of the English tailor prevents him from successfully entering into the field opened up by the Jews." ¹

There is a mine of information in these two short paragraphs. What a contrast is this statement of an impartial Government investigator, Miss Collet, with the frantic exaggeration of those who everlastingly write as if using a leaky fountain pen on blotting paper! Certainly their facts are obscured by the blots. This Board of Trade Report, with its mass of useful statistics, has been curiously overlooked. Before its appearance, the extremists had settled their convictions and were not going to alter them. They called loudly for reliable information and the best possible figures, but they have studied them least—have, in fact, rejected them. They cast doubt upon the official statistics to this very day. In the early 'nineties they decided upon their plan of campaign and delivered a series of attacks before the publication of the Board of Trade's comprehensive review. They had reason to believe that the Conservative Government which went out in 1892 was preparing for action. Mr. Balfour on April 1st of that year stated there was nothing to justify immediate legislation, but something must have happened to change the attitude of the Ministry, for twice in the following month, on May 13th and 30th, he said that a Bill was being prepared. In a debate in the House of Commons the year following,

¹ Cd. 7,406, p. 133.

Mr. Mundella, the Liberal President of the Board of Trade declared that no such Bill had been found among the documents left behind by the late Government, although Mr. Stuart Wortley, a Conservative member, asserted that he had seen it.

The debate of 1893 was one of the best on the subject heard in the House of Commons. It took place on an amendment to the Address, moved by Mr. James Lowther—that astute politician who had won the admiration of Beaconsfield—on Saturday, February 11th. Mr. Lowther, on the death of Mr. Louis Jennings, Conservative member for Stockport, who had taken up the matter, constituted himself leader of the exclusionists. His onslaught on the new Government lacked nothing in breadth. He flung at the Cabinet a list of Labour organisations, town councils, boards of guardians, and vestries which had passed resolutions; he mentioned a deputation he had received from London Trade Councils, and his caustic wit revelled in a dissection of the objects of the London Reform Union, whose members included the leading Liberals, for the restriction of alien immigration was on their programme. He affirmed that it was not a party question, and for this he had good grounds. His amendment was seconded by Mr. J. Havelock Wilson, chiefly on account of the foreign sailors—a matter entirely apart from the question of alien immigrants—and was supported by Mr. Labouchere. Mr. Gladstone, although obviously

not conversant with details, maintained, characteristically, that he did not consider a man without money but with the capacity for earning it necessarily destitute. But the most noteworthy feature of the debate was the contribution of Sir Charles Dilke, who, returning to Parliamentary life, delivered a "maiden" speech brimful of facts. Unlike others he did not hesitate to condemn Russia. His historical disquisition on England's proud record as an asylum for refugees was daringly illustrated by a reference to the member for Grimsby, Mr. Henri Josse, who was driven out of France in 1851. The attitude of the Government was that further inquiry was necessary, and this they were ready to grant. The division went against the amendment by 234 votes to 119, and it is worth recording that the minority included Mr. Joseph Chamberlain. Seeing that later he regarded the question as but a part of his greater policy of Tariff Reform, his future biographers may be disposed to mark his vote of February 11th, 1893, as his new political soul's awakening.

By this time the "destitute alien," as he was invariably termed, had entered thoroughly into the political life of the nation. He cropped up everywhere—in resolutions at industrial, social, and religious conferences, and in evidence before the Royal Commission on Labour. His appearance there, however, was brief, but it is perhaps significant that Mr. Geoffrey Drage, the secretary

of the Commission, who was subsequently a Conservative member of Parliament, was one of the few who wrote in defence of the alien. In an illuminating paper read before the Royal Statistical Society on December 12th, 1894, in which he took a wide survey of the whole subject as it affected other lands besides England, he declared that as far as this country was concerned:—

“In this, as in other matters connected with the labour question, England can still safely adopt at home that liberal policy of leaving her doors open to those who desire to enter and those who desire to leave her, which has so materially contributed to her greatness in the past. Economically the alien appears likely to do us good; politically, thanks to the common-sense of our working men, he appears unable to do us harm.”¹

The importance of this view is that it was derived as the result of his connection with the Labour Commission. It gave rise to a distinctly pro-alien debate, indicating that among those trained to the proper study of statistics a certain conclusion different from that of the perfervid extremists who saw and thought but superficially was inevitable. Mr. Drage maintained his views in an article in the *Fortnightly Review* of January, 1895, and in his book, “The Labour Problem,” in which he remarked that the foreign immigrants had in some cases, as in Leeds, introduced new industries.²

¹ *Journal of the Royal Statistical Society*, March, 1895.

² P. 52.

To the fact that trained investigators had almost always discouraged restriction, to the then unassailable position of Free Trade and also to the deeply-rooted tradition of the "right of asylum," must be ascribed the reluctance of the Conservative Government which was in power during all the years of the agitation, with the exception of the period 1892 to 1895, to initiate legislation. The shadow of legislation was nevertheless creeping over the problem, and before half the 'nineties had passed, the first of the modern Alien Bills was before Parliament. Singularly enough, it was introduced during the brief and chequered period of Liberal administration, but by the Opposition—by no less a person than the Marquis of Salisbury. The ex-Premier was apparently moved to this course by the anarchist outrages abroad, more particularly the assassination of M. Carnot, the French President, who was stabbed at Lyons by Caesario Santo on June 24th, 1894. Immediately afterwards, on July 6th, Lord Salisbury introduced his Bill in the Upper House, and the second reading took place on July 17th. The feature of the Salisbury Bill, which did not go down to the Lower House, was its abolition of the immemorial right of asylum, drawing a speech of profound regret from the Earl of Rosebery, who had succeeded Mr. Gladstone as Prime Minister. Whether Lord Salisbury was sincere in thus seeking to end a glorious British tradition, or whether, as some

asserted, it was merely an electoral bait in view of an approaching appeal to the constituencies, it is impossible to say. But it certainly gave the Conservatives and Liberal Unionists a strong party cry. Mr. Chamberlain put the exclusion of aliens in his social programme in a speech at Birmingham on October 11th, 1894. His cry was that England was the dumping ground of Europe, with the notice board, "Pauper labour may be shot here." Mr. Balfour included the policy in his election card at East Manchester in the General Election of 1895; other prospective Cabinet Ministers and the rank and file followed suit, and Mr. Ritchie, the new President of the Board of Trade, promised legislation to a deputation of trade unionists on November 14th of that year. The first Queen's Speech of the new Government in 1896 contained a definite promise of a Bill. Mr. Arnold White kept close watch. He wrote to Lord Salisbury mentioning an ominous rumour that the Government did not really care about the question, "and that it was merely utilised as a means of obtaining electoral support at the polls." The Prime Minister was cynically frank. He replied that he was very anxious to pass a Bill which he believed would be valuable to the working classes in many districts, but that the position of business in the House of Commons was unpromising.¹ The situation was exasperating to the extremists, who

¹ *Observer*, March 29th, 1896.

redoubled their efforts. The Queen's Speech of the Session of 1897 was silent on the matter, and Mr. Lowles, Conservative member for Haggerston, an East End division, voiced the feeling of the malcontents in an amendment to the Address. But the debate which it occasioned on February 9th fizzled out like a damp squib. Mr. Ritchie, on behalf of the Government, nailed the old pledges to the mast, spoke of the working classes, and promised legislation "at no distant time." Not forty members, however, could muster sufficient interest to remain, and the House was counted out!

It was the year of Queen Victoria's Diamond Jubilee. The people were agog with the excitement of the approaching pageant and the prospective visit of the Colonial soldiery. The aliens did not trouble them half as much as those who appointed themselves their spokesmen contended. Nevertheless the carefully devised phrases, "England the dumping ground," "Europe's rubbish heap," "lower standard of living," "alien sweaters," "taking the bread out of the mouths of the people," and "grinding the faces of the poor"—the latter Mr. Arnold White's specious but unscientific definition of sweating which would have been equally applicable to other, and native, ills—found their way into the language. They were uttered glibly by the "man in the street," by publicists great and small, by budding orators at debating societies, as summing up all that could

and need be said. It is no small triumph to obscure the real issues by catchwords. It is the trick of the pantomime comedian whose rough and ready grasp of human nature is superior to that of the artistic stage manager endeavouring to hit the popular fancy with elaborate production. So it was with the alien protagonists. They succeeded in foisting upon the public the belief that the word "alien" connoted all that was vile, repellant and undesirable: to use the one word was almost sufficient. Details, facts, statistics were uselessly cumbersome, all but the big "round figures" of the monthly lists of arrivals, and by continual reiteration they were inflated. Each unit, like each soldier who stands for a company in "skeleton corps" Army manœuvres, was given the appearance of a crowd: all the alien arrivals were condemned in the lump; visitors on pleasure or business bent, transmigrants on their way to the Western Hemisphere, all were packed into the total of destitute and filthy invading "hordes." Nor was the matter allowed to rest in Parliament. No mention of the subject being made in the Queen's Speech of 1898, the Earl of Hardwicke introduced the first part of the Salisbury Bill of 1894, and with Government support it passed through the House of Lords—and disappeared. Then came the South African War. The masses and the Legislature were both pre-occupied with the alien, or Uitlander problem elsewhere, and when Sir Howard Vincent ventured a mild query

in the House of Commons in 1900, Mr. Ritchie bluntly replied that other business called for attention.

The khaki election of that year brought a new leader into the field, Major (now Sir) William Evans Gordon, as member for Stepney, one of the divisions of the East End Borough of Stepney most concerned. Major Gordon quickly proved himself a different type of man from the anti-alien pioneers who had failed. He was no doctrinaire politician, or demagogue appealing with melodramatic phrases. He had a genius for organisation, and he set to work to marshal certain forces in the East End; also to gather every possible damaging fact. If racial and religious bitterness were not actually incited, they were not quelled, but allowed free rein. An avowedly anti-semitic organisation, known as the British Brothers' League, sprang up in the East End, and the old fears that physical violence might result if something were not done were revived. Meetings, prefaced by processions, were held in the East End. There was ill-concealed menace in many of the utterances of irresponsible persons. It has ever been the boast of the anti-alienists that the campaign was not anti-semitic, but it is symptomatic of a fairly general suspicion that Mr. G. F. Abbott, a non-Jewish writer, in his book, "Israel in Europe," should treat of the alien question in England in his chapter on anti-semitism. Years before the appearance of Major Evans Gordon, Mr. Arnold

White had held the Jewish community responsible for the influx of Jews from Russia, and one of the stock arguments was that Jewish charity in this country was an irresistible lodestone. It is patent enough that, except in the minds of a few, anti-semitism was strongly discountenanced, but it would be futile to pretend that a virulent anti-alien feeling did not exist among a certain section in the East End of London. The movement attracted all who harboured racial and religious ill-will, including the riff-raff whose "patriotism" permits of the atrocity of stigmatising the Scotch, the Irish and the Welsh as undesirable foreigners! Perhaps the most reprehensible of all the methods adopted to keep public interest up to "concert pitch" was to aver that the alien immigrants remained hopelessly foreign. Nothing was further from the truth, but such was the state of mind engendered that it was not noticed that the very arguments used were their strongest refutation. An instance: It was asserted that the census statistics were unreliable by reason of the fact that numbers of aliens annexed unto themselves English names and escaped detection. It did not seem to occur to the Arnold White school that to avoid recognition as a foreigner was the surest sign of having acquired English characteristics.

Blinded by insensate prejudice, they failed to realise the extraordinary assimilative potency of English life. By reason of our insularity, everything foreign is disagreeable to the English mind ;

the aversion is accentuated by the fact that we are uni-lingual. An all-English atmosphere pervades the British mind and dominates every phase of life in the United Kingdom and every moment of it. The slightest trace of foreign accent in speech, of an outlandish name, of un-English manner, or appearance, or dress, or of gesture, is resented and ruthlessly travestied in literature and on the stage. The English mind pillories everything and anything not of its own mould. On his first visit abroad the Englishman is disgusted to find the Continent full of foreigners ! It is his pride that he is not cosmopolitan. He will not be "caught bending." Under such conditions it is inevitable that any length of stay here must have its effect on the foreigner. Environment is insuperable—dominant. The more aged immigrants who keep entirely to themselves may resist—the aged everywhere live in an atmosphere of their own—but the "second generation," against which Mr. Arnold White has endeavoured to raise prejudice, could not if it would ; and more marked still is the rapid Anglicisation of those who come here when young. As a rule, they have no love for the country they have left and are only too eager to forget it. Compulsory school attendance here is all-powerful ; the keen desire not to be regarded as foreign gives a tremendous impetus to the transition. The influence of youth is inflexible. This "foreign" argument was directed exclusively against the Jews, who constitute a

majority of the alien immigrants, but it denoted a singular incapacity to observe what is taking place. Of this, however, more in the chapter dealing with the social life of the immigrants and the "second generation."

Major Evans Gordon, magnificently primed, and with the gift of clever argument which insisted upon the effect of local concentration of the aliens, moved an amendment to the Address on January 28th, 1902, and Mr. Gerald Balfour, President of the Board of Trade, the mouthpiece of the Government, declared that further inquiry was necessary. Mr. Balfour was member for the Central Division of Leeds, which comprised the alien district, but he admitted that the position there was in no way serious. This time the inquiry was by Royal Commission. Its members were: Lord James of Hereford, chairman; Lord Rothschild; Sir Kenelm Digby, Permanent Under-Secretary for the Home Department; Major Evans Gordon, M.P.; the Hon. Alfred Lyttelton, K.C., M.P.; Mr. (now Sir) Henry Norman, a Liberal M.P.; and Mr. William Vallance, late clerk of the White-chapel Guardians—an excellent combination. The terms of reference were as follows:—

"To inquire and report upon—

- "1. The character and extent of the evils which are attributed to the unrestricted immigration of aliens, especially in the Metropolis.
- "2. The measures which have been adopted for the restriction and control of alien

immigration in foreign countries and in British colonies."

The investigation was thorough. The sittings of the Commission, forty-nine in number, extended from April 24th, 1902, to May 21st, 1903, and 175 witnesses were examined. Two of the sittings were held in Stepney, where an element of mystery, not calculated to placate those who were being inflamed by the British Brothers, was imparted to the proceedings by withholding the names of witnesses. Major Evans Gordon visited Russia and Poland, and issued a Report on his tour, utilising his information also for his book, "The Alien Immigrant"; and Mr. F. E. Eddis, the secretary of the Commission, visited Rotterdam. Valuable statistics were also prepared by the Government Departments concerned. The Report of the Commission was issued in August, 1903, and was of a character to satisfy the most ardent advocates of restriction. Short of total exclusion, it gave them practically everything for which they had been clamouring for nearly twenty years. Drastic recommendations were made for the exclusion of undesirables and for the expulsion of those who, within two years, would come under that category, for the proclamation of prohibited areas to prevent overcrowding, and for the registration of aliens. Immediate action was urged. A Minority Report was signed by Lord Rothschild and Sir Kenelm Digby; the latter's memorandum is the finest piece of work ever penned on the subject. "The

recommendations from which I differ," he declared, "appear to me not to be supported by the evidence brought before the Commission, or by the conclusions of fact at which the Commission has unanimously arrived."¹ Maintaining that overcrowding could be prevented by the enforcement of the existing laws, he objected to the creation of proscribed areas and to the registration proposals, and he expressed the opinion that many of the suggestions would prove impracticable.

But the agitation had culminated in a great triumph. A mass meeting of congratulation was held in the East End, at which Major Evans Gordon, who had completely superseded Mr. Arnold White as leader of the anti-alien movement, was presented with an address of congratulation. The meeting was again prefixed with a procession, and the chairman of the Council of the British Brothers League distinguished himself by declaring, in defiance of the Report of the Commission, that the aliens inflicted cholera, influenza, small-pox and plague upon England; the Hon. Claude Hay, then M.P. for Hoxton, and ever one of the least restrained in his tirades, in a burst of platform rhetoric, produced a new crystal, "Every scamp comes to England." Major Evans Gordon was the hero of the hour, much to the chagrin, it may incidentally be mentioned, of sundry ambitious politicians who saw in him a dangerous rival for office. He was consulted by the Government,

¹ Cd. 1,741, p. 45.

and the following Session, that of 1904, saw the introduction of the first modern Government Aliens Bill. It was based on the recommendations of the Commission, and sought to put into force practically every one of them. The measure had a brief, but exciting history. The first reading took place on March 29th without a division, the second reading was carried on April 25th by a majority of 124, and then, to the amazement of the Liberals, it was proposed to send the Bill to the Standing Committee on Law, instead of allowing it to be discussed in Committee of the whole House. On this motion Mr. Winston Churchill, who had torn himself from the Unionist Party on the fiscal question, spoke for the first time from the Liberal benches. In Committee, he took up a vigorous attitude, for which to this day he is subjected to bitter attack by the Conservatives. Subsequent events proved the Liberal opposition to the measure to be justified. The Bill was badly drawn and presented in an undigested state. It imposed upon the Home Secretary the task of deciding the fate of every alien passenger detained at the ports, and it was at the suggestion of Mr. C. P. Trevelyan that the Government agreed to allow appeal to a magistrate. Mr. Trevelyan's proposal of a Board at each port was embodied in the Bill of the following year. Heated were the discussions in the Committee Room in 1904, and finally, after three lines had been passed in seven days, the Government confessed themselves beaten,

abandoned the struggle, and withdrew the Bill. They thrust the full responsibility upon the "obstructing" Radicals, dubbing them the friends of the aliens and the enemies of their own country, depicting them as standing with open arms to welcome the scum of the Continent.

How utterly unjust this was may be gathered from subsequent events. The Home Secretary, Mr. Akers Douglas, abandoned his Bill on July 7th. On the 12th, the Liberals who opposed the measure passed a resolution regretting the refusal of the Government to accept their reiterated offers to agree to legislation dealing with criminal and diseased aliens. On the same day Sir Howard Vincent brought in a Criminal Aliens Bill, backed by Mr. Trevelyan and Mr. Runciman, embodying clause three of the abandoned measure, which gave the power of expelling alien prisoners on conviction, and, in addition, making it unlawful for any person "convicted of crime in a foreign country within the scope of any extradition treaty to be found within the United Kingdom," and empowering the repatriation of such person on proof that the conviction was not in respect of any political offence. This Bill, very short and generally approved on both sides of the House, could have been passed quickly and without difficulty, but Mr. Balfour, when appealed to by Mr. Trevelyan on July 18th, refused to grant facilities. One of the Premier's supporters, taking his cue, objected to the Second Reading, and the Bill passed into

limbo. Mr. Balfour promised to deal with the subject early in the following Session, and on March 18th, 1905, the Bill which is now law was laid before the House of Commons.

It was an entirely new measure, overthrowing the recommendations of the Commission with regard to the overcrowding and registration proposals. The advocates of extreme measures made no attempt to disguise their disgust. The Bill did not express the frenzy to which they had worked themselves. Attempts to induce the Government to reintroduce some of the clauses of the Bill of 1904 did not succeed, and with Liberal opposition restricted to securing the right of asylum for religious and political refugees—an attitude also strongly adopted by many on the Government benches—the measure passed through the Commons, was approved without amendment in the Lords, and received the Royal Assent. Before the Act came into force, on January 1st, 1906, the Unionist Government ceased to exist. Previous to committing *hari-kari*, however, regulations were drawn up for the administration of the Act. These were formulated by a Departmental Committee, of which Mr. W. Haldane Porter, who had been associated with Major Evans Gordon in preparing the case against the alien, was the secretary. For this latter work he was thanked at the East End meeting of November 10th, 1903. Mr. Porter was one of the anti-alien writers, but before the Unionist Government went out of power he was

installed as Chief Inspector under the Aliens Act, which position he still holds.

Here, the story of the agitation should end. But, in accordance with the ideas of the modern drama, it does not. There is a long-drawn-out epilogue. The extremists obviously regarded the passing of the Act as but a Pyrrhic victory. Major Evans Gordon, who had been overlooked for a minor position in the Unionist Government, when the Press nominated him to fill a vacancy, was rewarded with a mere knighthood when the Dissolution honours were distributed; whilst a Jewish member, Mr. Benjamin Cohen, who had supported the Government, gained a baronetcy. Major Gordon's was no small achievement. Entering upon the scene when the prolonged agitation seemed to be ending in failure, he not only revived it, but actually succeeded in forcing legislation—and all in a third of the time previously occupied. Seemingly loth to suspend an agitation which had caused him to be looked upon as a force in his party, he determined on an audaciously bold guerilla course. No sooner had the new Government faced Parliament in 1906 with an unprecedented majority behind it, and before it a broken and crippled Opposition, in which he himself was the sole survivor of the East End brigade of Unionist warriors, than he assailed the Ministry for not proposing to do what his own Government the previous year had refused to do with his full approval and the assistance of his vote. Upon the

Address he actually moved an amendment, regretting that the King's Speech contained "no reference to the exclusion of foreign contract labour during time of trade dispute," although when this proposal was moved as a Labour amendment in the previous year he twice voted against it! His reason, he coolly explained, had been his anxiety not to jeopardise the passing of the Act. If this meant anything at all, it meant that the Unionists were opposed to the one provision calculated to benefit the working man, a feeling to which actuality was given later in the first Session of the new Parliament by the refusal of the Lords to pass the short measure, introduced by the Labour Party and accepted by the House of Commons, to secure the very point urged in Sir William Evans Gordon's amendment. The action of the Lords, by the way, was its first expression of hostility to the Liberal Government and the beginning of the trouble between the two Houses.

Sir William Evans Gordon, it was clear, intended to continue the *rôle* of agitator and to harass the Government with proposals for "strengthening" the Act. Fortune smiled upon him, and thrust into his hands a stronger weapon of offence. With the administration of the Act began its difficulties, and complaints were made of cases of harshness in rejection. In response, Mr. Herbert (now Viscount) Gladstone, the Home Secretary, issued an order asking the immigration officers and the Immigration Boards of Appeal to

give "the benefit of the doubt" to those who maintained that they were refugees flying from religious or political persecution. The "benefit of the doubt" was a phrase that caught on the ear. Sir William Evans Gordon seized upon it eagerly, and, ever bold, declared that the new order meant the virtual abrogation of the Act: it meant that the most undesirable person had but to assert that he was a fugitive to secure admission. Mr. Gladstone had also varied another of the regulations, which enabled him to drive home his argument. The number of alien steerage travellers exempting a vessel from inspection is twenty in the Act: the first regulations reduced this figure to twelve, and Mr. Gladstone had dared to raise it to the original number. It mattered not that it was stated that a lower exemption figure had brought in too large a number of vessels for the staff to cope with; that it had resulted in hardships on small ships arriving at non-immigrant ports. To Sir William Evans Gordon it meant but flinging wide open the door. His view was readily accepted by his party, anxious, after their disastrous experience at the polls, to seize on any effective cry. Moreover, was not Sir William a great authority? The new campaign was launched. It has not yet ceased. It has increased in vigour, in virulence. It is pursued, in the face of all facts disproving the allegations on which it is based. But facts are feeble things against a determined declaration

that the Government are virtually traitors, and that they have emasculated an Act of Parliament, rendering it a "dead letter." The charge that the Liberals have "as good as" expunged the Aliens Act from the Statute Book is backed up by the reminder that they were always opposed to its passing, and that Mr. Winston Churchill, the present Home Secretary, was one of its most active opponents. The contention that all Liberals are opposed to restriction is not quite true, for although the parties have taken sides on the question, a number of the Radicals have always favoured exclusion. These include Mr. Sydney Buxton, a Cabinet minister, one of the Liberal East End members and candidates who petitioned their leader in the year 1904 to give support to the Unionist proposals. The Conservatives did not fail to make use of that petition, and based on it a strong argument that these men realised the necessities and the feelings of the East End.

Recent events have added to the cry against the Government, as a matter of course. The Houndsditch horror is declared to be a natural outcome of Liberal administration of the Aliens Act. The appeal is not made to reason. It is made to prejudice and passion. Foul murder has been committed by a gang of foreign desperadoes; it is almost sufficient to stigmatise every alien in the country, enough certainly to vitiate every fact and figure that can be brought to show how vastly improved are the conditions. With the usual

tendency to exaggeration, to jumping from the particular to the general, every incident is made to assume enormous proportions. After five years of the Aliens Act the alien problem stands once again in the minds of the multitude where it stood fifteen and twenty years ago. The same charges are being flung at the immigrants, who are designated not merely a pest, but a pestilence—that they are flooding the country, evicting the English from home and industry, overcrowding the slums, turning whole districts into foreign colonies, engaging in sweated labour, under-selling native products, undercutting native workers, filling the prisons, the workhouses, the asylums, and spreading disease. It is an inhuman indictment, a decree of outlawry. No defence of alien criminality is offered in this work; the need of excluding criminals and other undesirables is endorsed. But it will be shown by the latest and most reliable statistics that the outcry against the alien is recklessly, cruelly exaggerated. The intentions, the possibilities and the achievements of the Act will be described, and the amendments demonstrated as necessary by experience will be indicated.

CHAPTER II.

EXTENT OF THE INFLUX.

THE first essential to a correct grasp of the alien question is to arrive at a proper estimate of the influx. This is easier now owing to the greater accuracy and completeness of the figures gathered since the passing of the Aliens Act, although, lamentably enough, the same general ignorance prevails. Before 1906 this was to a large extent, but not entirely, excusable. Yet much was due to the reckless use of big, "round numbers," and not a little to wilful misrepresentation. Those who posed as authorities at least should have taken the pains to arrive at a correct estimate, but this was sedulously avoided. The late Sir Howard Vincent, for instance, in a memorandum to the late Lord Salisbury on August 10th, 1901—a document signed also by two members of Parliament who were subsequently members of the Royal Commission on Alien Immigration—declared that 233,966 aliens arrived for sojourn between January 1st, 1897, and July 31st, 1901. The date of this mischievous document suggests a feverish anxiety to anticipate and prejudice the census figures. Sir William Evans Gordon, during the evidence of the late

Registrar-General before the Alien Commission, endeavoured to make out that about 62,000 Russians and Poles were unaccounted for in the census figures referring to London.¹ The Chairman, Lord James, was greatly impressed by the "discrepancy." Then Mr. Akers Douglas, when, as Home Secretary, he introduced the Bill of 1904, declared that 80,000 aliens were added to the population annually, and in bringing forward the Bill of 1905 he made the annual influx 90,000, although he had apologised for his glaring error of the year before.

There is a simple explanation of this method of calculation, but its adoption was utterly indefensible. The figures were obtained by coolly ignoring the statistics of the aliens who left the country, coupled with a superficial study of the monthly alien lists. It would be just as logical to compute increase of population from births alone, ignoring deaths. The manner in which the statistics were issued by the Board of Trade was a contributory cause. The "alien lists," published each month at the price of one half-penny, gave the numbers of those who arrived from the Continent, dividing them into those "stated to be *en route* to other countries" and those not so stated. A footnote intimated that the number in transit was incomplete, and the revelation was made to the Alien Commission, without any explanation, that no aliens arriving

¹ Cd. 1742, Mins. 654 *et seq.*

at the Port of London were classed as “*en route*”! (par. 85 of Report). But it was sufficient for the purpose of the agitation to take those “not stated to be *en route*,” omit the words “stated to be,” and inform the public month by month that these represented the settlers. But each month a statement was also published by the Board of Trade of the number of passengers, native and foreign, who left the United Kingdom for places outside Europe. This was not a Parliamentary return, and was issued as a huge lithographed sheet unobtainable by the public. The figures, however, were reprinted in the weekly *Board of Trade Journal*, then issued at a penny—it is now threepence—and in *Board of Trade Labour Gazette*, a penny monthly. Complete ignorance was, therefore, inexplicable, but of the fact that the figures were unknown I had interesting evidence. I mentioned the figures of the outgoing aliens during the first three months of 1905 in an article in the *Manchester Guardian* on April 20th, 1905, and Mr. Emmott, now the deputy-Speaker, quoted them in a speech on the Second Reading of the Aliens Bill. Sir Howard Vincent demanded the source of his information, and Mr. Emmott mentioned the article and my name. Some correspondence I subsequently had with Sir Howard proved that he was unaware of the figures, and I suggested to Mr. (now Sir) Maurice Levy, the member for Loughborough, the advisability of a question being put in Parliament asking for the

official publication of the outgoing figures, together with the alien lists. I pointed out that the two were really one return—that otherwise there was no explanation of the immense number of aliens leaving this country; also that the Board of Trade already admitted their connection by combining them in the annual Report on emigration and immigration. Mr. Levy kindly put the question. Mr. Bonar Law, who was then Parliamentary Secretary to the Board of Trade, promised on June 29th, 1905, to issue the return, and since that time this has been done.

Not exactly, however, in the form I imagined. They are issued separately, and I see no reason why the incoming and the outgoing figures should not be published together. Since the passing of the Aliens Act the statistics have been vastly improved. The monthly outgoing return gives also the figures of the incoming passengers, British and foreign, from non-European lands, with the balance, in or out—almost invariably it is an outward balance. The alien lists are no longer published; instead, a much more accurate quarterly return is presented, giving the number of alien passengers travelling both ways between the United Kingdom and the Continent of Europe, so that here also a balance can be struck—almost invariably it is a balance inward. The figures are thus complete and should be issued together to dissipate the amazing fog which still hangs over the subject. The non-European figures

might well be issued quarterly; or, conversely, the European tables should be issued monthly in simpler form, if necessary, with the more elaborate details published only four times yearly. Before the Aliens Act the annual return on emigration and immigration gave the complete figures; since 1906 that publication has been divided, part of the matter being published in the annual Blue Book on the working of the Aliens Act, so that a new complication has arisen with sundry discrepancies between the different sets of figures. The statistics, then, are not quite satisfactory, and they are needlessly difficult to comprehend. Yet it is possible to arrive at a balance, and this is very striking and entirely disproves the big figure cry.

In the annual White Papers on Emigration and Immigration, prior to the Aliens Act, the passenger traffic between this country and Europe was given in the lump, natives and aliens not being differentiated; but on the assumption that English people travelling to and fro balanced one another, the difference, generally an inward balance, was taken to represent the alien influx. Albeit unscientific, it was not an unreasonable calculation, inasmuch as practically all the English travellers are either on business or pleasure bent. The more complete figures now obtained enabled the statement to be made in the White Paper giving the figures for 1908:—

“These figures are not inconsistent with the assumption, which has been made in previous reports,

that the movement of British subjects between this country and the Continent is in general a movement in which the outward and inward streams are approximately equal in magnitude.”¹

If, therefore, the balances in those Reports are taken, it is possible to arrive at an estimate of the alien influx approximately accurate. Those balances are subject to the deduction of seamen who, on arriving as passengers to take up positions in ships in British waters, are enumerated, but are not counted on leaving in the crews of outgoing vessels. The following table, compiled from Tables III. and V. in the Statistical Appendix to the Report of the Alien Commission,² gives the balances inward and the number of seamen to be deducted in the decade 1892-1901:—

			Balance of arrivals.	Seamen.	Net Balance.
1892	..	..	21,489	Not known.	—
1893	..	..	15,791	9,760	6,031
1894	..	..	12,109	9,821	2,288
1895	..	..	10,488	9,894	594
1896	..	..	19,450	10,461	8,989
1897	..	..	12,192	10,762	2,150
1898	..	..	15,708	12,229	3,409
1899	..	..	26,216	13,362	12,854
1900	..	..	29,392	14,950	14,442
1901	..	..	25,094	15,146	9,948

The majority of the seamen are actually under contract to join ships, and careful count is now kept of them. That very few, practically none,

¹ P. vii.

² Cd. 1,741—I., pp. 3 and 5.

settle here is proved by the 1901 census which stated that nearly all the 19,695 foreign seamen then enumerated were on ships in English ports at the time.¹

The number of seamen for the year 1892 is unfortunately not available. It will be remembered that it was in consequence of the suggestion of the Select Committee in its Report in 1889 that the alien lists began to be compiled, and presumably the figures of the seamen were not complete before 1893: they are known for some of the ports only for the two previous years. The Emigration and Immigration Report for several years subsequent to the Report of the Select Committee was exceedingly careful to mention the balance of the arrivals. Later, the conclusion was not so clear, and it was much easier to take the total set out of those not stated to be *en route*, and regard them as the settlers. Assuming that the seamen in 1892 numbered 9,600, the net balance in that year would be 11,889: the total of the net balances in the ten years 1892 to 1901 therefore amounts to 72,594. Allowing for the disparity between those years and the actual intercensal period and also for deaths and naturalisations among the arrivals, the figure is sufficiently close to the figure of 67,402, shown by the census as the increase in the decennial period 1891 to 1901, to be regarded as remarkable corroboration. This is of the utmost importance in view of the fact

¹ Cd. 2,174, p. 142.

that both the census and the Board of Trade statistics were incessantly impugned despite official protestations. Before the figures of the 1901 census were issued, Mr. Arnold White maintained in the *Daily Express* of November 26th, 1901, that the "returns of Russians and Poles are worthless." This led to a remarkable refutation in a letter written by Mr. William Vallance, the Superintendent-Registrar for Whitechapel, to Mr. H. H. Gordon, County Councillor for the district and a member of the Stepney Borough Council. Mr. Gordon was a witness before the Alien Commission, and the letter was twice read, once during his evidence, and once during the evidence of the Registrar-General, by Mr. Vallance, who was a member of the Commission. Mr. Vallance wrote under date, November 28th, 1901 :—

"As the responsible officer charged with the arrangements for taking the census in this district, I desire to state that I am more than satisfied with the manner in which the enumerators did their duty and with the results of the enumeration. At the outset I confess I was appalled at the difficulties of securing accurate and complete returns of the large foreign population of the district, but, thanks to the hearty co-operation of Dr. Adler, Chief Rabbi, and the large body of workers, not forgetting your own giant work of organisation, the result has been beyond my most sanguine hopes. I would state in the most emphatic way that no one other than the official enumerators was entrusted with the actual enumeration, and that the efforts of yourself and others were directed (1) to educating the alien population in regard to the objects of the census, and in seeking to remove prejudice and suspicion; and (2) in assisting householders in filling

up their schedules, where necessary, by reason of their ignorance of the English language. The actual responsibility, however, was with the official enumerator, whose duty it was to satisfy himself that every schedule handed to him was complete and accurate. As I have said, I am more than satisfied with the work of the census in this district ; and nothing has occurred since the actual enumeration to justify any distrust on the part of the public.”¹

I may add my own testimony as a census helper—not an enumerator—in the East End. I filled up a large number of papers among the foreign inhabitants, and I found them only too eager to furnish all particulars. Other helpers with whom I came into contact reported the same. Very few people entertained suspicion, and the use of the Yiddish language removed all fears. The same efforts were organised for this year’s enumeration with the object of gaining absolute accuracy, not only in the East End, but in all districts inhabited by Jews. Like King Charles’ head, the census doubt kept continually cropping up with the Mr. Dicks of the Alien Commission until Sir William Evans Gordon was constrained to exclaim, “I do not think we dispute the accuracy of the census to any considerable extent. We merely allege there were difficulties in the way of collecting it.”² The doubt as to positive accuracy was naturally mentioned in the Commission’s Report (par. 80), and this has

¹ Mins. 681 and 17,629.

² Min. 17,332.

not been ignored in the agitation. But an emphatic refutation was made by the Registrar-General in the final Report on the 1901 census, dated July 1st, 1904. After referring to the work of the Jewish Board of Guardians and the committee of census helpers organised by the Chief Rabbi, he stated:—

“It is confidently believed that these measures had the effect of obtaining approximately accurate returns from this class of population in the East End of London.”¹

Since the 1901 census there are the emigration and immigration statistics, which, as stated, are now much more complete than formerly. Adopting the same method as above—the only way—the figures of the annual Emigration and Immigration Reports yield the following table:—

			Balance of arrivals.	Seamen.	Net influx.
1902	..	..	+ 25,181	15,962	+ 9,219
1903	..	..	+ 15,391	13,432	+ 1,959
1904	..	..	+ 2,207	12,863	— 10,656
1905	..	..	— 2,781	13,793	— 16,574
1906	..	..	+ 321	11,165	— 10,844
1907	..	..	+ 3,528	12,327	— 8,799
1908	..	..	+ 23,400	11,007	+ 12,393
1909	..	..	+ 20,903	9,380	+ 11,520
1910	..	..	+ 12,980	9,343	+ 3,637

The figures for last year are taken from the final quarterly return giving the number of

¹ Cd. 2,174, p. 139.

passengers between England and the Continent (Cd. 5,476) and December return of passengers to and from places out of Europe, giving the figures for the whole twelve months (Cd. 5,056—XI). The annual emigration and immigration return has not yet been issued, and the figures are therefore subject to revision. But the outstanding feature of the table is that in four years there was an actual decline in our alien population. The first two of these years preceded the Aliens Act, when, according to the alarmists, there was a rush to get in before the closing of the door. The diminution of our alien population, however, was due to a rush of another kind—the flight to the United States during the Atlantic rate war when the fare was down to 50s. The emigration of aliens at the time was noted; indeed, it was freely stated that it was solving the East End problem. In a sense it has done so, and the outward flow which then set in continued after the conclusion of the rate war. It led to the mushroom growth of a large number of shipping agencies in the East End and to remarkable changes in that district, which will be noted in the chapter which follows on “Overcrowding.” The rate war, which enabled passengers to travel direct from the Continent as cheaply as from England, adversely affected the numbers arriving from the Continent in 1904 for the purposes of continuing their journey. The number of arrivals fell from 207,191 in 1903 to 194,986 in 1904; but notwithstanding

this, the aliens who left for America increased from 127,225 to 144,125, although the total number of aliens who left the country for non-European lands declined from 181,539 to 174,354. The efflux continued until the financial crisis in America towards the end of 1907, which affected also the transmigrant traffic and set up a return flow to the Continent. From 239,040 aliens who left England for non-European countries in 1907, there was a fall to 123,212 in 1908, the number proceeding to America declining from 196,126 to 101,452, or nearly half. The return of aliens in America to their homes on the Continent coupled with the decrease of the number who left Europe completely reversed the normal traffic. For the first time there was a balance inward from the non-European countries and a balance outward to Europe. England lost the usual transmigrant traffic, but gained it the other way. The figures for that year were further complicated by the large number of foreign visitors who came to the Anglo-French Exhibition at the White City, Shepherd's Bush. The year 1909 and last year saw a return to the normal.

There are discrepancies between the figures given above and those in the Aliens Act annual Blue Books. The balance for 1907 in the Aliens Act Report is 34,954, from which figure the seamen have to be deducted.¹ For 1908 the balance is given as 27,189, a difference of only 4,000 from

¹ Cd. 4,102, p. 3.

the figures in the other Report.¹ On the other hand, the balance for 1909, after deducting a proportion of the seamen, is given as 7,000.² This is over 4,000 less than the net balance in the table above: the balances for the two years 1908 to 1909 may therefore be taken together as correct. The discrepancy for 1907, however, remains a puzzle for official elucidation. The Aliens Act Reports draw attention to the departure of seamen who, after taking their discharge, leave as passengers, and also of a certain number of cattlemen who travel from America in charge of cattle and then depart as passengers. This would, of course, add to the number to be counted as arrivals, since these men are included in the figures of the outgoing aliens. Their definite number is not known, but it is not large. In any case, the similarity between the census figures and the annual balances remains important, more especially as the corroboration was emphasised by Sir H. Llewellyn Smith, when, on behalf of the Board of Trade, he gave evidence before the Alien Commission. Not only did he maintain this, but, referring to the number of arrivals at Hull from Libau in 1902 and the number stated by our vice-consul there as departing for that port, he showed that the two sets of figures were practically identical.³ Careful investigations like these are infinitely more reliable than

¹ Cd. 4,683, p. 4.

² Cd. 5,261, p. 4.

³ Min. 22,541.

all the frothy declarations of persons incapable of understanding statistics or even simple arithmetical calculation.

As, for instance, the astounding statement of Mr. J. D. Whelpley, on p. 42 of a pretentious work, entitled "The Problem of the Immigrant," that the alien increase in 1904 (a year of actual decrease) probably approximates 75,000! He advances no statistical data for this calculation. A correct review of the official figures and of the position generally was given by Mr. L. J. Greenberg in an able annual article in the Jewish Year Book from 1896 to 1904.

The official figures given are a sufficient indication to refute the attempts repeatedly made to bolster up the assertion that thousands upon thousands are dumped annually on our shores. The rabid inflation of figures received their quietus—or should have done—by the statement in the annual Emigration and Immigration Report for 1905:—

"It can probably be said with some degree of certainty that the alien population of the United Kingdom either decreased in 1905 or, if it increased, it increased to a much less degree than in former years."¹

The insinuation that numbers of aliens rejected in America and Canada find their way to England is not borne out by the Aliens Act Reports. The shipping companies are under a bond to remove

¹ P. 10.

them from this country; 430 of these rejected persons arrived in 1909, and the Aliens Act Report for that year mentions that 393 "were removed by the shipping companies."¹ Of the remaining 37, the great majority had been previously resident in this country for some years.

Thus official calculations go to prove indisputably that the new census will reveal an accretion since 1901 considerably less than the increase in the previous ten years: then, an average annual increase of under 7,000 was shown, and this time the figure should indicate little more than half that number, or even less. Allowing for all discrepancies in the official figures, the addition since 1901 is shown to be under 30,000.

The position would be quite easily understood if only the extent of the transmigrant traffic were appreciated. The public are duly informed that over half a million aliens landed in the United Kingdom—the number last year was 610,776, of whom 476,083 came from Europe and 134,693 from other lands. It sounds like an invasion. But the information that 597,806 aliens left our shores—377,161 for the Continent, and 220,635 for non-European countries—was suppressed. It is a huge traffic demonstrating what is mostly overlooked—that British vessels are the omnibuses of the seas; that Great Britain, owing to its geographical position and plenitude of coast-line, is a kind of international Clapham Junction and

¹ Cd. 5,261, p. 7.

clearing-house for the reception and distribution of passengers and commodities to and from all parts of the world. What is termed the transmigrant traffic is the passage through England of Continental emigrants making their way to non-European countries, chiefly America. It was admitted in the Emigration and Immigration Reports for 1903 and 1904 that "the majority of the foreign emigrants to places out of Europe had arrived in the United Kingdom within the year."¹ More accurate note is now taken of these passengers. Official transmigrants "in bond" are those who hold through tickets and are exempt from examination under the Aliens Act; the shipping companies who bring them from the Continent are held responsible for their safe conduct out of the country. They are under a heavy bond to do so, and consequently these birds of passage are virtually prisoners whilst passing through England. The railway companies benefit enormously by the traffic, which is mainly from Grimsby and Hull across to Liverpool. In 1910 these bonded transmigrants numbered 140,363, compared with 118,221 in 1909, and 61,680 in 1908, the year of the great decline following the American financial crisis. In 1907 the total had been 172,438, and in 1906, the first year of the compilation of the figures in this form, 169,788. It will be seen that this traffic is recovering, but that it has not yet reached the pre-crisis total. It is carried on in

¹ P. 11 in each Report.

the face of very keen competition, a fact noted by the Liverpool Steamship Owners' Association in its annual Report issued early in 1905 in a reference to the prospective Aliens Act. Not only is the competition keen, but it is of a kind that borders at times on outrage, for the most extraordinary pressure is put upon the emigrants passing through Germany, to embark on German liners. Unscrupulous agents, who exist in hordes on the Continent, lead them to believe that tickets booked *viâ* England are useless, and that they will not be allowed to land here, even temporarily; and strange stories are told of the pressure brought to bear upon the unfortunate travellers at the various emigrant "control stations" studding the German frontiers for the regulation of the streams of emigrants. At Bremen and Hamburg huge *Auswandererhallen*, emigrant hostels, have been established to cope with the thousands who arrive daily in the spring and early summer, and every possible effort is made to induce direct booking from these ports.

Despite this and the slipshod organisation in England where there is scant and wretched accommodation for transmigrants—some have had to be housed in workhouses whilst waiting for their ships, and there have been complaints by the London sanitary officials of the waiting accommodation provided by shipping and railway companies—the traffic through this country is considerable, and is greater than shown in the official figures. Many people

are known to re-book here for their ultimate destinations. Otherwise the large numbers of foreigners leaving for non-European countries would be a mystery. Returning American visitors cannot account for the whole difference. In the past six years the total number of outgoing foreigners to non-European countries has been :—

	Total.	To United States (included in Total).
1905	188,422	152,835
1906	229,142	193,568
1907	239,040	196,126
1908	123,212	101,452
1909	185,617	150,233
1910	220,635	170,985

There are certain advantages in passing through England, an important one being the opportunity for a few days' rest—an absolute necessity after being buffeted about on the Continent for several days in cramped third and fourth class railway carriages and having to run the gauntlet of agents, officials and other harpies, all of whom look upon the emigrant going forth into the world as legitimate prey. The Aliens Act has had its effect on the transmigrant traffic, as was fully expected. A few years ago large numbers passed through London, and there was an important railway service by the Great Western Railway from Paddington to Birkenhead for these passengers. This traffic has almost entirely disappeared; the number of shipping agents in the East End has fallen away.

58 ALIEN PROBLEM AND ITS REMEDY.

For the sake of convenience the statistics of the alien inhabitants of the United Kingdom may now be set out. The following figures indicate their growth since 1881 :—

		Total population.	Aliens.	Increase.
1881	.. ..	34,884,848	135,640	—
1891	.. ..	37,732,922	219,523	83,883
1901	.. ..	41,458,721	286,925	67,402

The distribution is unequal, England and Wales having 247,758 of the total in 1901: this represented 7·6 per 1,000 of the population, compared with 6·8 in 1891 and 4·5 in 1881. The vast majority are of European nationality, some 20,000 only, of whom 18,311 were Americans,¹ being non-Europeans in England and Wales in 1901. For the whole of the United Kingdom, the apportionment of nationalities was as follows at the 1901 census :—

Russian and Poles	.. 95,245	Scandinavians	.. 17,762
Germans	.. .. 53,402	Austrians	.. .. 10,130
Americans	.. .. 29,180	Swiss	.. .. 9,026
Italians	.. .. 24,684	Dutch	.. .. 7,115
French	.. .. 22,406	Others	.. .. 17,975

The main increase was in the Russians and Poles, who in England and Wales numbered 14,468 in 1881, increasing to 45,074 in 1891, and to 82,844 in 1901. There is no religious census in

¹ The final (1901) Census Report assumes that a large proportion of the Americans were but temporary sojourners. Cd. 2,174, p. 145

the United Kingdom, but it is certain that the majority of the Russians and Poles are Jews. The total alien population was composed of 174,786 males and 112,139 females in 1901. Children under ten years of age numbered 20,993, almost evenly divided between girls and boys. Children born in England of foreign parents domiciled here are British, a sore point with some people who, accordingly, are unimpressed by the fact that our aliens form but 0·69 per cent. of the total population compared with the following percentages in other countries mentioned in the Alien Commission Report :—Spain 0·20, Sweden 0·21, Hungary 1·03, Holland 1·04, Germany 1·38, Austria 1·98, France 2·66, Belgium 2·82, Norway 3·05, Denmark 3·26, Switzerland 9·58, United States 13·71.¹ In some of these countries the children are treated in the census the same as here. It will be observed that the percentage in the United Kingdom is one of the smallest, and that of the United States the highest. The new census should show our percentage still smaller. Whilst there were fewer than 300,000 aliens in the United Kingdom in 1901, there were enumerated nearly three million English aliens in foreign countries, no fewer than 2,791,403 being in the United States, a figure which appears all the more remarkable when it is pointed out that it is over a million more than the number of natives of the British Isles in all our Colonies at the time.² These figures should

¹ Cd. 1,741, p. 21.

² Cd. 2,174, p. 187.

be interestingly varied by the new census returns, although the number of Britons in America will no doubt be greatly increased. There were at the 1901 census 14,025 naturalised subjects in the United Kingdom not classified as aliens, but these were more than counterbalanced by the 19,695 seamen who happened to be in port.

The uneven distribution of the aliens in England, the cause of the whole problem, is shown by the following table :—

	1881.	1891.	1901.
London	60,252	95,053	135,377
Manchester ..	2,805	8,941	11,737
Liverpool ..	6,858	7,402	8,974
Leeds	2,134	5,927	7,426
Scotland ..	6,399	8,510	22,627

There are smaller communities in Cardiff, Sheffield and Birmingham.

Nearly half of the alien population in 1901 was to be found in six Metropolitan boroughs, and Manchester, Liverpool and Leeds. In London the aliens represented 30 per 1,000 of the population, in Manchester 22 per 1,000, and only in eleven other towns and cities did they exceed 10 per 1,000. London had over half the Russians and Poles, 53,537, no fewer than 42,032 being in Stepney: over half the Germans, 27,427; over half the Austrians, 6189; just about half the French, 11,264; nearly half the Italians, 10,889; but less than a

quarter of the Americans, 6,244. In the East End Borough of Stepney, which includes in its boundaries the oft-mentioned districts of Whitechapel, Spitalfields, Mile End, St. George's-in-the-East, Limehouse and Wapping, were to be found 54,310 of the 135,377 foreigners in the Metropolis: this represented 182 per 1,000 of the population, so that, despite the perpetual cry of Stepney being a "foreign city" over four-fifths were native. In 1881 there were 15,998, or 57 per 1,000 in Stepney, and in 1891, 32,284, or 113 per 1,000.¹

To this growth and this aggregation "eastwards of the Bank" in the Hinterland of the landmark near the City border known as the Aldgate Pump the alien problem is due. Sir William Evans Gordon, in his House of Commons speech which led to the appointment of the Alien Commission, termed it, with the refinement of insinuation, as the deadly grain of arsenic in the loaf, where ten grains in a thousand loaves would be harmless. Mr. Arnold White, not to be outdone in lingual legerdemain, adopted the pleasant simile before the Commission of a spoonful of prussic acid in a glass of water, removing all possible doubts by adding, "These people are in the nature of poison to the immediate interests of the nation."² The poison of asps, administered by unbridled tub-thumpers, is, I suppose, to be accepted as a tonic.

¹ All the figures are taken from the Alien Commission Report and Appendix, and the final (1901) Census Report.

² Min. 405.

CHAPTER III.

OVERCROWDING.

OVERCROWDING in the Report of the Alien Immigration Commission was termed the greatest evil caused by the foreigners in certain districts in London, and their expressed opinion that the ordinary laws were insufficient to deal with native and alien alike (par. 266) led to the extraordinary suggestion for the creation of proscribed areas. It is not denied that serious congestion, with its concomitant, insanitary conditions, existed in the East End, but the gratuitous suggestion that overcrowding was established by aliens is emphatically repudiated; and it will be proved that a most remarkable change has been effected, that the acute stage had passed before the Commission reported, and that their despair was unjustified. Overcrowding and insanitation of a more serious character than any ascribed to foreigners existed in London, and not only in the East End, long before the alien problem arose. Those who desire further particulars on this point are referred to a speech by Lord Ashley, afterwards the Earl of Shaftesbury, in the House of Commons in 1851, reported in *The Times* of April 9th of that year; to a London County Council publication, entitled

"The Housing Question in London, 1855—1900"; and more especially to a valuable work, entitled "The Sanitary Evolution of London," by Mr. H. Jephson, a former Chairman of the London County Council Health Committee, issued for private circulation in 1907. The last-named book presents a picture of the Metropolis half a century ago as horrible as any traveller's description of plague-infested Asiatic cities where there are no sanitary arrangements. And of conditions existing to-day in towns and villages where aliens are unknown a bulky volume could be compiled from the official publications of the Local Government Board, issued with painful frequency, after investigation by inspectors into cases of municipal and parochial laxity and almost incredible public neglect. These cases and those of the ducal domain of Walbottle and the condemned Nottingham property of a Dean of the Church of England who signed the Minority Report of the Poor Law Commission do not, of course, mitigate or palliate abuses due to aliens in the East End. They are indicated merely to impress the fact that overcrowding evils were not introduced by the alien, and the following instance is mentioned for the purpose of pointing the moral drawn by a London evening paper which is certainly not pro-alien. Under the heading, "A Family of Savages," the *Daily Mail* of May 23rd, 1905, reported a revolting case heard at the Thorpe Petty Sessions. The F—— family were described by the sanitary officer as being

more like savages than human beings. For years they had been moving about Harwich Harbour in a small smack, defying the school attendance officer and the sanitary authorities. Three adults and four children slept in two cabins, each about the size of a piano case. One of the children was so dirty that the doctors could not tell whether it had clothing, and so filthy was the condition of the octogenarian head of the family and his son that after their appearance the Chairman ordered the Court to be cleared and aired.

[Commenting on this case the same day, the *Evening News* remarked: "After all, what need for an Act of Parliament when we can meet and beat the alien on his own ground?"

The initial difficulty in dealing with overcrowding is definition. The census considers as overcrowded a room occupied by more than two persons, no matter what its dimensions: local bye-laws impose a certain measurement of air space per person, and local medical authorities are not bound by either of these standards. This may account somewhat for the almost criminal negligence of the past. The failure to enforce the powers vested in municipal authorities was one of the themes of the memorandum of Sir Kenelm Digby differing from the Alien Commission on the overcrowding recommendations which suggested panic and not panacea. Sir Kenelm pointed out that no favourable opinions to the scheduling of prohibited areas were elicited from witnesses, and that Mr. Lithiby,

the Assistant Secretary to the Local Government Board, in charge of the Public Health Department, pronounced the suggestion impracticable.¹ Moreover, Mr. Lithiby declared Stepney to be far behind other places in appreciation of the most effective weapon furnished by the Legislature to deal with overcrowding.² Before the reform of London government which established the Borough Councils, the Stepney Vestry had undoubtedly failed in its duty, but less than twelve months after the Alien Commission had reported, an epoch in East End housing conditions was marked by the following statement in the annual Report, that for 1903, of Dr. D. L. Thomas, the Medical Officer of Health for Stepney:—

“The house famine in the borough two years ago forced up rents abnormally high. This was one, if not the most important, factor in the causation of overcrowding. For some reason there is at the present time plenty of housing accommodation in the district. One reason is the number of new houses that were built during the year which included a number of blocks of model dwellings. A large number of these dwellings have been constructed during recent years. This is, however, far from being responsible for so many of the empty houses.”

This transformation was not expected so rapidly. Stepney had suffered by reason of the demolition of property for schools, warehouses, factories, railway and other improvements, but “models” were affording its regeneration. And the other

¹ Min. 23,471.

² Min. 23,501 *et seq.*

reason, not mentioned then by Dr. Thomas, but since insisted upon by him, was the decrease in the number of alien arrivals. His statement was available during the existence of the Aliens Bill of 1904, and was reproduced in the London County Council's Health Committee's Report. Consequently it should have been widely known when the Bill of 1905 was introduced, and its existence—and that of other Reports—places the remark of Mr. Akers Douglas, in introducing the measure which is now law, that the overcrowding evil was as bad as ever, in a rather foolish light. In the summer of 1904 suicide was suggested to the Housing of the Working Classes Committee of the Stepney Borough Council: it was unemployed and unemployable then, and has long ceased to exist. One of the first acts of the Council, when constituted in 1900, was to call the attention of certain artisans' dwellings companies to the overwhelming lack of housing accommodation in the district. In the summer of 1904 the Housing Committee considered a statement from the Borough Treasurer on empty tenements and lost rates. During the first quarter of 1904, there were 955 empties, and owners were applying for a reduction of their assessment owing to reduced rents. In answer to specific questions the rate collectors stated that more houses were to let than formerly, that they remained empty longer, and that there was every prospect of rents being reduced, the reason given

being "that until the blocks of tenements now building, or recently finished, are fully occupied, the supply of ordinary dwelling-houses will exceed the present demand."

Householders, the Report added, were backward in paying rates. This was attributed mainly to the difficulty in getting lodgers owing to the facilities for obtaining tenements of two or three rooms in model dwellings—important testimony that the occupied houses were not overcrowded.

The following table shows the total amount of rates written off in the last three years by the Stepney Borough Council, the amounts lost in respect of empty houses, the number of the latter being also set out:—

Quarter ended	Rates written off.						Empties.	
	Total.			On empties.			Total.	Houses.
	£	s.	d.	£	s.	d.		
March 31st, 1908..	12,296	15	6	7,338	16	7	3,293	2,886
June 30th ,, ..	12,116	2	9	7,557	8	1	3,200	2,843
Sept. 30th ,, ..	12,918	6	9	7,863	0	3	3,274	2,867
Dec. 31st ,, ..	12,006	8	9	7,716	14	0	3,400	2,944
March 31st, 1909..	12,248	9	10	7,585	9	3	3,181	2,729
June 30th ,, ..	12,484	8	4	7,794	18	9	3,188	2,684
Sept. 30th ,, ..	12,968	13	9	7,765	4	8	3,241	2,752
Dec. 31st ,, ..	12,445	3	11	7,896	8	4	3,306	2,730
March 31st, 1910..	12,282	15	11	7,299	5	4	3,084	2,529
June 30th ,, ..	11,601	8	0	7,341	10	5	3,167	2,545
Sept. 30th ,, ..	11,595	15	7	7,150	0	3	2,930	2,275
Dec. 31st ,, ..	11,739	3	0	7,079	1	9	2,974	2,222

The gross totals in the first column include the "irrecoverables" and allowances to compounding owners who pay the rates whether their tenements are occupied or not. This latter item has averaged over £3,500 per quarter in the three years. On the whole a certain steadiness is evinced, showing that large numbers of houses have remained empty. The figures for the past three years are higher than when the unlet tenements first began to excite concern. In the quarter ended March 31st, 1904, there were 1,268 empties, of which 1,073 were houses; the rates written off amounted to £3,942 12s. 3d. In the same quarter three years later, March 31st, 1907, the empties numbered 2,820 (2,445 houses) and the loss had increased to £7,203 18s. 11d. In the year ending March 31st, 1904, the total rates wiped off amounted to £10,574 5s. 4d.; three years later this sum had nearly doubled, £26,421 11s. 11d. Three years later still, in 1910, as will be seen from the above table, the total on the empty houses alone was higher than that.¹ The dearth of accommodation of a few years back has given place to a plethora of tenements: the needs of the inhabitants have been more than met, and the difference is marked by an array of "To Let" boards hanging all over Stepney, a decoration unique less than a decade ago.

¹ For these figures I am indebted to Councillor H. H. Gordon, L.C.C., and to Mr. Hugh Carter, the Borough Treasurer of Stepney.

That the change is not due to over-building is proved to the hilt by a County Council return issued in March of this year, showing that while 4,567 rooms were added in Stepney during the eight years 1902 to 1909, no fewer than 6,010 were demolished, showing a decrease of 1,443 rooms.

More direct evidence of the abatement of overcrowding has accumulated during the past few years. In his Report on 1904, Dr. Thomas said a higher standard of cleanliness had been established, and overcrowding "lessened." In his Report on 1906, he said: "Partly due to the lowering of rents, and partly to the ample housing accommodation as compared with previous years, overcrowding is on the decrease." The fall in the number of prosecutions gives proof:—

1904	..	..	..	23	1907	..	..	..	7
1905	..	..	..	14	1908	..	..	..	1
1906	..	..	..	10	1909	..	..	..	4

A few of these prosecutions were in respect of lodging-houses at which alien transmigrants were temporarily accommodated. The estimated population of Stepney in the last medical Report was 312,515, so that the above figures are far from alarming.¹ It is not to be assumed, however, that only these numbers of cases of overcrowding were

¹ This estimate is based on "natural increase," *i.e.*, excess of births over deaths, since the 1901 census. Owing, however, to the enormous migration from the district, it is confidently anticipated that the new census will show a population under 300,000. The Whitechapel Board of Guardians Report for the year ended March 25th, 1909, stated that the population of that Union remained about stationary.

discovered. If it were so, Stepney would be a model for many other towns to copy. It is almost that in the manner it has rendered itself amenable to the discipline of the ordinary law. Some twelve or thirteen thousand special visits are made by inspectors annually for the purpose of detecting overcrowding, and a few hundred cases are discovered, but mere notice in all but a few cases is sufficient to secure improvement. Prosecutions are so rare that when in 1907 Judge Bacon, of the Whitechapel County Court, made some remarks about an alleged overcrowded house, the Town Clerk wrote to the *East London Observer*, enclosing a statement by the medical officer, to show that His Honour's comments were based on a misunderstanding. That one alleged case of overcrowding in Stepney should excite so much concern among the authorities as to give rise to a question in the Council, and a letter from the Town Clerk to a local paper, speaks eloquently of the changed conditions.

"A few hundred cases" of overcrowding sounds alarming, but Stepney, which is always held up as a "shocking example," will stand the test of comparison with other London boroughs. Thus, Stepney with its 300,000 inhabitants had 585 cases of overcrowding in 1908, compared with Southwark 426, in a population 100,000 less, and Paddington (in the West End) 339, in a population of 150,000. In 1909 there were in Stepney 645 cases, in Paddington 440, and in Southwark

424 ; the West End borough thus shows a larger percentage than the depised East End district. The figures are taken from the Report of the London County Council's Medical Officer of Health, which also shows Stepney in a better light than other boroughs with regard to the illegal occupation of underground rooms. In 1908 there were 78 such instances in Stepney, compared with 87 in St. Pancras, where the population is 70,000 less, and 127 in Marylebone, where there are 180,000 fewer inhabitants. In 1909 the figures were:—Stepney, 52; Marylebone, 163; Hampstead—of all places—(95,000 population) 82 ; and Westminster (167,000 population), 42. In Hampstead the underground dwellers were caretakers of flats, consigned to the lower regions by persons who probably shudder at the mention of such things in the East End. St. Pancras is notorious for its underworld—a Report on a number of cases in one street was discussed at a meeting of the Borough Council, on January 18th, last—and in Westminster there are wretched slums under the very shadow of the Abbey and the Houses of Parliament. Houses in Pimlico, adjacent to the fashionable squares of South Belgravia, have been converted into flats, even to the cellar floors. Stepney emerges from the comparison even better than the figures show, when it is recalled that it is a dock and riverside borough with more common lodging-houses than any other part of the Metropolis. Thither drifts the human wreckage ;

it is the Alsatia of London's under-dog army driven to the casual labour of the docks and the shelter of the cheapest doss-house. Stepney and the other East End boroughs constitute the Metropolitan scrap-heap; they have to bear the brunt of London's cruelty and to accept its failures and mistakes.

"Key-money is practically a thing of the past," said the Chief Inspector of the Public Health Department of the London County Council, in a Report dated June, 1906. He was referring to an East End evil which unquestionably helped to decide the Alien Commission. "Key-money" is the colloquial East End synonym for the West End "premium" paid by an incoming tenant. The fierce competition for tenements during the abnormal lack was responsible for its vogue. The Commission in its Report refers to 347 instances where a total of £3,757, or an average of £10 8s. 3d., was paid to the landlords: in 317 other cases the total was £3,542, an average of just over £11 (par. 160). Frequently the "key-money," or a portion of it, was paid as a bribe to the outgoing tenant, and a good deal of needless moving was occasioned. Old tenants were displaced to make room for others who had gone to the landlord and offered higher rent. But "key-money" was its own antidote. It led to the revolt, the outcry, of which builders took advantage. Ramshackle houses were demolished, and from their ruins rose up-to-date blocks of tenements.

Migration from the district was stimulated, and more recently has been encouraged by the increased facilities afforded by motor 'bus, the electric tram and the electrified Underground. The migrants have included many of the older Jewish inhabitants, who find themselves less and less tied to the district by considerations of language and by the ease with which Jewish commodities are now obtainable away from the East End.

One of the arguments urged against the census figures was that the schools afforded proof of the foreign domination over the East End. The schools can now be called in evidence of the altered conditions. In the last volume of "London Statistics" issued by the County Council the schoolchild population of Stepney is shown to have decreased between 1905 and May, 1909, by 1,364. Of nineteen districts in which the borough is divided for this calculation only five show increases; all the others show decreases, and this is particularly marked in the case of Whitechapel, the most alien district. Here alone the decrease was 927. In estimating the schoolchild population, allowance is made for a certain number of children from outside districts, so that these figures alone could not be accepted as statistically reliable as to conditions in the particular area. But taken in conjunction with other factors they are significant, more especially as Whitechapel enjoys the proud distinction of having the highest average school attendance in London—it was

92·5 per cent. compared with 89·4 for all London in 1909. In Stepney (the division which bears the name of the whole borough) the figure was 92·2, in St. George's-in-the-East 90·9, and in Mile End 90. The London County Council Reports on Accommodation and Attendance in Elementary Schools attribute these high figures to the Jewish keenness for education; and this well-known fact, coupled with the high birth rate in the district—30·5 in Stepney compared with 24·2 for the whole of London in 1909—and the comparatively low rate of infantile mortality—119 in 1909, compared with 108 for all London, but with 138 in Bermondsey, 129 in Poplar and Bethnal Green, 140 in Shoreditch, 131 in Finsbury, and 120 in Hammersmith in the West.¹—affords interesting confirmation of the decline of the alien population. The explanation of the decrease in the Reports is the tendency to migration to outer districts, and in the Report for 1907 mention is made of the “abnormal number of empty houses” and to a diminution of overcrowding.² But even on the same page the Report, overlooking the inconsistency, could not resist a reference to alien immigration and congestion. The “incurable sloppiness”—to quote

¹ These figures show that the infantile mortality rate in Stepney is lower than in the adjoining East End Boroughs of Poplar, Bethnal Green and Shoreditch. In Liverpool, in 1909, the infantile mortality rate was 144; in Manchester and Birmingham it was 134; in Leeds, 122; and in Nottingham, 150.

² P. xiv.

Mr. Asquith's criticism in another connection—of the manner in which people otherwise scrupulous as to their statements and manner of dealing with facts and figures treat the alien question has rendered certain notions ineradicable. But this strange outburst on the part of a London County Council Report drew a spirited protest from Dr. Thomas, who is entitled to much of the credit for the changing of the East. In a vigorous reply later in the same year (1907) the Stepney medical officer declared :

“There has been very little alien immigration into the borough of Stepney during the last two years. The statement that there is a growing alien element in the area is not based on fact.”

Dr. Thomas has recently confirmed this. In an interview in the *Pall Mall Gazette* of January 11th, 1911, he declared that after the rush of a few years ago—presumably the heavy emigration from the Continent during the Atlantic rate war—there has been a slump in alien arrivals. He mentioned, also, the disappearance of the pernicious “key-money” system, the abatement in overcrowding and the improvement in sanitary conditions. This confirmation by Dr. Thomas of the figures in the previous chapter denoting a decline in alien immigration should convince most people, but it is not easy to abandon the old shibboleth which comes trippingly to the tongue.

Outside official declarations there is striking testimony of the cessation of overcrowding in the

Report of the Mansion House Council on the Dwellings of the Poor for the year ending June 30th, 1904. It is as follows:—

“The Executive have also, in co-operation with the Jewish Board of Guardians, made a careful inspection of a number of streets in the East End in which they thought it most likely that they would find such overcrowding, especially among alien immigrants, as has been the subject of complaint and discussion in the Press. The procedure was facilitated in the case where the inhabitants were foreign Jews by the knowledge of Yiddish possessed by one of the two inspectors. This procedure enabled the inspectors to obtain a fairly accurate idea of the nature of each occupation. The inquiries of the inspectors tend to show that overcrowding is much less than had been expected, and that a great diminution had taken place during the last year or two.”

Particulars of the inspections given in a table show that only twenty-one cases of overcrowding were discovered in 343 tenements visited. One of the most active politicians in the anti-alien cause, the Hon. Claude Hay, at that time M.P. for Hoxton, was a vice-president of the Mansion House Council, and another vice-president was Lord Balcarres, a member of the Government, and yet there was amazing ignorance on the Ministerial benches. The Mansion House Council's reasons for the improvement are interesting, since they bear out Sir Kenelm Digby's observations. They are:—

“(1) The increased vigilance of the East End Borough Councils, especially Stepney, in the registration and inspection of tenement houses, and in making

early morning visits, followed by prosecution where overcrowding is detected.

"(2) That a number of new blocks of buildings have been made available for occupation.

"(3) That there is a tendency on the part even of the foreign inhabitants to move to other districts where accommodation is cheaper or better, a movement encouraged, so far as Jews are concerned, by the Jewish Board of Guardians.

"The Committee believe that if the law against overcrowding is stringently administered it must have beneficial effects in inducing the tenants to go to less crowded districts, and in reducing the rents, where the law is enforced, by preventing undue sub-letting."

That the Commission was not justified in its alarmist view of overcrowding in Stepney is apparent from a careful study of the evidence on the subject. The best authorities by no means agreed with the generally accepted view. Canon Barnett, at that time Warden of Toynbee Hall, and admittedly one of those most competent to speak of East End conditions, declared that overcrowding was not so bad as twenty or thirty years previously when he first became acquainted with the district.¹ Mr. James Brown, J.P., chairman of the Whitechapel Guardians, mentioned instances in other parts of London where overcrowding was worse among the natives than among the aliens of Stepney.²

Mr. T. E. Williams, a member of the Public Health Committee of the Stepney Borough Council, told of a special survey to discover the

¹ Min. 17,529.

² Mins. 11,085 *et seq.*

extent of overcrowding in St. George's-in-the-East undertaken by the sanitary inspectors in 1902, in the early mornings of Saturdays and Sundays, when the foreign Jewish population would be found at home. The result showed that the overcrowding had been enormously exaggerated.¹ Dr. Hamer, Assistant Medical Officer of the London County Council, gave the results of a survey which showed the following overcrowding :—St. Pancras, 31 per cent.; Lambeth, 26 per cent.; Kensington, 14 per cent.; Whitechapel, 9 per cent.² He went so far as to aver that in the matter of improvement aliens yielded more readily to discipline.³ A plague spot in fashionable Kensington will still surprise many people, but Notting Dale in that borough is notorious, and the “Potteries” district there has been referred to as one of the foulest regions of the Metropolis. In Notting Dale the infantile mortality rate in the periods 1896 to 1898 and 1900 to 1902 was over 400 per thousand; in 1899 it reached the phenomenally high figure of 508 per thousand. Such appalling statistics were never recorded in the East End. “Irreclaimable” is the ugly term that has been applied to this West End slum; and there are others—Campbell Road, Finsbury Park; the Sultan Street district, Lambeth; the “Fenian Barracks,” Poplar; the “Dust-hole,” near Woolwich Arsenal; Somers Town,

¹ Min. 18,472.

² Min. 17,971.

³ Mins. 18,117 *et seq.*

between the great railway termini of Euston and St. Pancras; and Tabard Street, just beyond London Bridge Station, now doomed to demolition. Happily the term "irreclaimable" no longer applies. The excellent work of the borough councils and the county council have had their effect. Some have disappeared.

The point of all this is that conditions both among the natives and the aliens which not many years ago drove serious social reformers to despair have proved themselves subject to the discipline of the ordinary laws where these have been stringently enforced. The contentions of the health officials have triumphed over the wild suggestions of the Commission of mediæval methods of establishing *ghetti*. Sir Kenelm Digby's memorandum stands brilliantly vindicated. His was the true prescience. He put the objection tersely when he stated that it would be easy enough to prove overcrowding in such an area; but how could the filling of vacancies by new arrivals be prevented? It would but lead to substitution, after the manner of Chinese stokers on ships: it is not unusual for the entire gang to change during a long voyage, yet at the end the names are the same, having been handed over to the substitutes. With a foreign language this method of evasion would be the easiest thing imaginable. An inspector could not know all the dwellers in his district so perfectly that he could detect substitution. A most elaborate and costly

system of identification by means of portraits and thumb impressions would be necessary, and even portraits and measurements would be unreliable, for the East End alien frequently undergoes a complete change, not only in appearance, but also in gait and bearing. Especially is this so in the case of the young. There is little likelihood that Parliament will ever consent to the overcrowding proposals of the Alien Commission. But there is still a yearning after them. Dr. Collingridge, the Medical Officer of Health for the City of London, expressed regret for their omission from the Bill of 1905, in his periodical Report issued in May of that year.

It would be interesting to know how the Commission came to make the extraordinary recommendation, but perhaps the following sentence in the Report (par. 165) may indicate a clue to the reason:—"General measures may do much to deal with overcrowding in districts existing under normal conditions, but *here in Stepney* and the surrounding districts an inflow of population from abnormal sources is continually proceeding, and will not, as far as can be seen, be removed unless some restriction is employed." Why the "here in Stepney"? Were the words left there inadvertently? If so, by whom was that sentence actually written? Part of the Report would seem to have been written in the East End, or by some interested person there, which explains much.

Coupled with the charges based on overcrowding

was that of displacing the native—ejecting him was the way it was frequently put. Abundant evidence, however, was laid before the Commission of displacement by the demolition of house property for various purposes, and by the removal of industries and the shifting of trade to the Victoria and Albert and Tilbury Docks.¹ Also this, by the Rev. W. H. Davies, then Rector of Spitalfields :—

“The Jew has wiped out whole areas of vice and infamy. Where once we had houses in streets like Flower and Dean Street, and various streets of that kind, now dwellings like the Rothschild Buildings stand. I suppose it was as near a hell upon earth as it was possible to make a place, and all that has been wiped out. There are streets, too, where they have gone into houses of ill-fame, notoriously bad houses, and they have taken one room and lived there. They have been insulted and persecuted, but they have held their ground. They have never quarrelled. Then they have taken a second room, or some other Jewish family has taken a second room, until gradually they have got the whole house and so purified the whole street by excluding the objectionable people who lived there. It is a most marvellous thing, but they have done it.”²

There is no need to drive home this extraordinary tribute to the value of the “displacement.” Let those who will pay a visit to Flower and Dean Street, which runs from Commercial Street to Brick Lane, close to Toynbee Hall, and see the children playing merrily where once the police were afraid to go. At one end they will still see some remnant of the

¹ Mins. 18,496 *et seq.*

² Min. 9,768.

old atmosphere—a few miserable derelict men and women standing outside a common lodging-house, and if they have an eye for contrast they will not fail to profit by the lesson. Flower and Dean Street is a sermon in stones on the regeneration of an infamous thoroughfare. And the same thing has happened elsewhere—in Manchester and in Leeds.

CHAPTER IV.

THE ECONOMIC ASPECT OF ALIEN LABOUR.

ACCORDING to Table LXI. of the Statistical Appendix to the Alien Commission's Report,¹ there were, in addition to the 20,993 children under the age of ten, 80,907 aliens above that age (wives, daughters at home, students, scholars and visitors) either unoccupied or described as persons without specified occupation in the United Kingdom at the 1901 census. This leaves 185,025 (148,344 males and 36,681 females) engaged in industry, trade and profession. Some sixty-four occupations are enumerated, engaging 128,225 males and 34,396 females, the remaining 20,119 men and 2,285 women being massed together in "miscellaneous occupations." In only one trade, tailoring, did the alien workers exceed 20,000, and in but two others did they reach more than 10,000; and of those two, one category was "seamen," who do not come into the problem at all. Nearly all were on ships in harbour, and obviously many were on foreign vessels. The industries in which

¹ Cd. 1,741—I., pp. 72, 75.

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more than 1,000 aliens were engaged are as follows :—

Tailors	25,698	Engineers, etc. ..	2,033
Seamen	19,695	Hat and cap makers	2,022
Indoor servants ..	18,913	Miners	1,894
Bakers, etc. ..	6,334	Butchers	1,852
Waiters	6,073	Textile dealers ..	1,825
Art, music, drama..	6,040	Brokers, agents, etc.	1,802
Clerks	5,771	Labourers	1,556
Hawkers, costers..	5,372	Carpenters, joiners	1,379
Teachers	4,998	Watch and clock makers	1,295
Cabinet makers ..	4,815	Furriers, etc. ..	1,203
Boot and shoe makers	4,770	Painters, decorators, etc... ..	1,199
Hairdressers, etc...	3,355	General shop-keepers	1,161
Dress makers, milliners	3,068	Restaurateurs ..	1,065
Cooks(not domestic)	2,565	Grocers, etc. ..	1,015
Tobacconists, etc.	2,446		
Commercial travellers ..	2,180		

The next figure is 935 monks, nuns and sisters of charity, a class that is certain to show a large increase in the latest enumeration owing to the influx of members of the religious orders after the recent separation of Church and State in France. Of the 935 no fewer than 859 were females. Other classes showing a preponderance of women were indoor servants and teachers. Of 768 engaged in laundry service 604 were females, and the great majority of 674 shirtmakers and seamstresses and of 570 nurses were also of the feminine sex. To the boot and shoe makers ought to be added 715 separately classified slipper makers; to the art, music and drama section might also be added 395 showmen and performers; the

restaurateurs are exclusive of 588 lodging-house keepers and 678 innkeepers, etc.; and 427 upholsterers might similarly be considered as belonging to the cabinet makers. Leaving tailors, bootmakers, and cabinet makers for special mention, careful examination of the list indicates little scope for competition with native workers, even allowing for expansion—which cannot be great, as shown by the preceding chapter—since the 1901 census. Some of the workers are certainly not competitors at all. There are teachers of foreign languages; actors, and other performers and commercial travellers who, it is safe to assume, are visitors. The French and German maids and musicians may, no doubt, be a sore subject with the classes particularly concerned. Their presence is largely due to the preference shown for them by the wealthy, and furthermore they indicate the necessity for a different training on the part of natives engaged in the same occupations, a necessity that is happily being realised. The same remark applies to the non-domestic cooks, of whom only 226 were women; and the tendency now shown to train English boys as *chefs* should bear excellent results. A goodly proportion of the clerks are certainly visitors, for it is well known that Germans in particular enter that occupation for the specific purpose of learning the English language, the acquirement of which renders them more efficient for the pursuit of business in their own country. The same spirit among English

business men would reduce foreign competition in this and other directions, and would better equip English firms for the commercial battle.

It is not usual, however, for those who regard the alien question as permanently acute to undertake an analysis, and from the standpoint of economics the most serious accusation against the alien immigrant is that he displaces native labour. When the unemployment figures are not utilised as an argument in favour of Tariff Reform, they are advanced as a result of foreign immigration. This charge is in direct defiance of the finding of the Alien Commission, which declared:—

“On the whole, we arrive at the conclusion, after weighing the evidence of both sides, that it has not been proved that there is any serious direct displacement of skilled English labour.” (Par. 131.)

This is not all, for the Commissioners also stated:—

“The development of the three main industries—tailoring, cabinet making and shoemaking—in which the aliens engage has undoubtedly been beneficial in various ways; it has increased the demand for, and the manufacture of, not only goods made in this country (which were formerly imported from abroad), but of the materials used in them, thus indirectly giving employment to native workers.” (Par. 129.)

On the showing of the Alien Commission, the alien immigrants continue the proud tradition of their forerunners, the Flemings, the Walloons, the Huguenots, and the others who transferred the

manufactures of the Continent to England. The alien problem of to-day is linked up by the industries introduced and developed, with the problem that exercised earlier generations of Englishmen. And since the days of the Commission further Blue Books have added to our information, demonstrating the value of the new industries, and furnishing matter which should dispel the notion of displacement of the native worker. The two volumes due to Mr. Balfour's philosophic doubt and hesitation on the fiscal question have collated a wealth of information which properly came within the sphere of the Alien Commission's labours. In the first of these Fiscal Blue Books¹ a table is given of the number of workers in England and Wales in various trades at six census enumerations. The following figures relate to the three trades singled out for mention by the Commission:—

	1851.	1861.	1871.	1881.	1891.	1901.
Tailoring	139,219	142,955	149,864	160,648	208,720	259,292
Boot and shoe	243,935	255,791	224,559	224,059	248,789	251,143
Furniture	47,958	64,148	75,202	84,131	101,345	121,531

An extraordinary development has taken place in these three industries since the present alien influx began. In the tailoring trade, while the workers increased by 21,000 in the thirty years from 1851 to 1881, the increase in the succeeding

¹ Cd. 1,761, p. 362.

twenty, from 1881 to 1901, was nearly 100,000. Furniture workers received an addition of about 36,000 in the first thirty years; but in the next twenty years the increase was 37,000, the final decade showing a rise of over 20,000. Even more illuminating are the boot and shoe trade figures; the fluctuations are highly significant. According to the extremists, this industry has been "ruined" more than any other by the aliens, but the figures prove that whereas the workers decreased by over 10,000 in the ten years 1861 to 1871, and remained practically stationary during the next decade, they recovered almost to the 1861 total in the twenty years 1881 to 1901, the years of the alien influx, and despite the great difference created by the introduction of labour-saving machinery.

That the natives reaped the major proportion of the benefits in each trade is shown by further figures. It needs to be emphasised that the total number of workers in the three trades at the 1901 census was 631,966, or more than twice the total number of aliens in the United Kingdom at that time, viz., 286,925; secondly, the increase in the three industries in the ten years 1891 to 1901, viz., 73,112, is greater than the increase in the number of aliens in the same period, viz., 67,402. The figures at the opening of this chapter give the numbers of aliens in various trades in the United Kingdom; below are the totals of the alien workers in the three trades in England and Wales at the census enumerations of 1891 and 1901:—

			Tailoring.	Boot and shoe.	Furniture.
1891	..	..	14,735	3,608	2,534
1901	..	..	24,850	5,108	5,405

The tailoring workers comprised 19,995 men and 4,895 women, the men having increased from 11,637, and the women from 3,098 in 1891. The men, it is stated, represent a percentage of 14·5 of the total male workers in the industry, and the women 4 per cent. of the total female workers. The alien furniture workers represent 5·2 per cent. of the total, and the boot and shoe employees, who here include the slipper makers, but 2·6 of the total workers in the trade.¹ These official figures show the absurdity of the following remarks (typical of many), made by Mr. Haldane Porter, who is now the Chief Inspector under the Aliens Act, in an article in the *Pall Mall Gazette*, on May 3rd, 1905: "The three trades which have suffered most at the hands of the sweating and sweated alien are tailoring, bootmaking and cabinet making. The first-named is almost entirely in their hands, and work which might be done by English women and girls is now done by aliens." There must be something radically wrong with the arithmetic of Mr. Porter and those who have

¹ Cd. 2,174, p. 143. There is a very slight discrepancy between these figures, taken from the General (final) Census Report of 1901, and those in the Appendix to the Alien Commission, but these being later, the analysis may be taken as more correct.

the same obliquity of mental vision if 24,850 tailors can be declared to have almost a monopoly of employment in a trade in which over ten times that number is engaged. The following table from the Fiscal Blue Book¹ is particularly interesting as bearing on his regret that English girls might do the work, a regret implied also in the words of the Commission: "But it is, of course, impossible to say how much, if any, of the work now done by alien labour would have been performed by native female or other labour had there been no alien immigration into this country" (par. 131). A great deal of the work is done by English girls, and is passing more and more into their hands. The recent census will certainly prove it more even than the following figures:—

WORKERS IN THE TAILORING TRADE.

			Males.	Females.	Total.
1851	..	..	121,736	17,483	139,219
1861	..	..	113,467	29,488	142,955
1871	..	..	111,843	38,021	149,864
1881	..	..	107,668	52,980	160,648
1891	..	..	119,496	89,224	208,720
1901	..	..	137,246	122,046	259,292

An extraordinary increase is here shown in the number of females in the tailoring trade; and inasmuch as the 1901 census gave the number of alien women in the industry as only 4,895, about

¹ Cd. 1,761, p. 365.

one twenty-fourth of the total, it follows that the remainder must be English. The table proves another interesting fact—that while between 1851 and 1881 the English women were ousting the English men from the trade—for the latter decreased while the former increased—the development of the trade by the aliens after 1881 enabled the men to regain their position in the industry without affecting the rate of increase of women workers. In ever-growing number English girls are now doing work which formerly could be done by alien tailors only, and was unknown until the foreign Jewish workmen introduced the subdivision of labour in the making of garments. It was not merely that the wholesale clothing trade was developed; a new industry was virtually created and now provides a livelihood for thousands of natives in Leeds and places where few, if any, aliens are to be found. Many huge factories have been erected in Leeds in the last quarter of a century, and the vast majority of workers in them are natives. The aliens are the out-workers, in their own workshops, and they also employ a number of English girls. Mills left vacant on the loss of the linen trade, which migrated from Leeds to Ireland, resound to the whirr of the power-driven sewing machine, and in the neighbouring districts of the city thousands of Yorkshire mill-workers are employed to make the cloth used in the trade. It was the Jewish alien who saw the greater possibilities in this industry

by removing it from Glasgow to the neighbourhood of the cloth mills. And when it grew rapidly, Jewish workers were introduced into the "inside factories," and English girls placed alongside them to learn their methods. Many years ago I remember a Jewish master tailor in Leeds predicting the day when the Jew would be ousted from the tailoring trade. He had received an offer to give up his workshop and become foreman in a new "inside factory"; he was to be allowed a certain proportion of alien workers whose engagement and his own were to be guaranteed for a period.

His prediction is coming true. There are factories now in places like Colchester and Loughborough where the work is almost entirely done by English girls. Incidentally, it may be mentioned that an English-born Jew, named Nahum Salamon, who died in 1900, was practically the founder of the British sewing-machine by introducing the "Howe," the pioneer machine, into England.¹ Mr. Rowland Barran, M.P. for North Leeds, and a member of one of the largest wholesale clothing firms in the world, referred to the value of the alien tailor, during the by-election which resulted in his return in July, 1902. He stated at one of his meetings:—

"Owing to the fact of the employment of Jews and their expert knowledge, England was able to maintain

¹ "Jewish Encyclopædia," vol. X., p. 647.

practically a monopoly of the clothing trade of the world; and to prevent them taking part in the trade would seriously affect not only the clothing trade of Leeds, but the whole of the woollen trade of the West Riding, and the cotton trade of Lancashire.”¹

Evidence was also given before the Alien Commission of the new development of the tailoring trade. Mr. J. O. Bairstow said that he had to employ Jewish people when he introduced the wholesale clothing trade into Huddersfield, because at that time there was no possibility of getting English tailors to do the work.² At the time of his evidence, however, “we scarcely employ any Jew labour at all.”³ Mr. A. E. Richards, manager of the Sheffield branch of the West End Clothiers’ Company, told the Commission that the employment of aliens was due to the drawbacks of old-fashioned English methods. He declared also that the alien tailor was more temperate, regular, worked better and quicker, did not celebrate “Saint Monday,” and actually earned 50 per cent. more than the English tailor.⁴ Tributes of this character are to be found in great plenty in the Minutes of Evidence, but mention must be made of other industries. The ladies’ mantle trade was introduced into England by means of alien labour. Mr. Morris Cohen told the Commission that when he replied to advertisements asking for ladies’ tailors in 1880, he was the only applicant for the

¹ *Leeds Mercury*, July 24th, 1902.

² Min. 15,140.

³ Min. 15,143.

⁴ Mins. 20,137 *et seq.*

work. There were no English ladies' tailors, and all the ladies' tailoring came from Germany and France. Mr. Cohen, with the aid of other alien ladies' tailors, subsequently started as a manufacturer, and he gave particulars of the numbers of natives he employed as well as aliens at the time of his evidence. There were probably not less than 20,000 aliens and natives then working amicably together in the trade, "English tailor-made jackets" had become a speciality, and English-made materials were used.¹ The firm of Hitchcock, Williams & Co., of St. Paul's Churchyard, were the first to employ foreign workers in the mantle trade, and the following letter from them to Mr. J. A. Dyche, an alien worker and writer, gives the results of their enterprise:—

"In the year 1885 the demand for ladies' tailor-made jackets came into vogue, and to meet the demand for our British and Colonial trade we were compelled to import large quantities of these garments from Germany. They were made of German materials by tailors in and around Berlin. We tried to produce these garments in our own factories, but without success; our women workers were unable to manipulate the hand-irons used by the tailors, and we could not get them to do the work. As the fashion became more pronounced, large orders went abroad, and in 1888 £150,000 was sent to Germany in payment of these accounts. In 1889 we decided to introduce foreign Jewish tailors and their special methods into a factory we had recently built with satisfactory results. Their work has been excellent, British material has been used instead of German, and a

¹ Min. 18,968.

large part of the money sent formerly to Berlin has been distributed among British manufacturers and in wages. The quality of the work has improved year by year; the garments made in our factory are better than those imported previously. Other English firms have followed our lead, and to-day the German press admits the loss of her trade in those goods with England. Our experience shows that these foreign Jewish tailors do a class of work which our workers cannot undertake with success, and earn a high rate of pay.”¹

On p. 27 of the Statistical Appendix a statement is given of the exports from the United Kingdom of apparel and “slops,” *i.e.*, ready-made clothing, and of boots and shoes from 1888 to 1902. It shows an increase, with fluctuations, in apparel, and “slops,” from £4,558,589 to £6,297,550: boot and shoe exports fluctuated between £1,426,608 and £1,896,232. The Board of Trade Report on Alien Immigration, issued in 1894, referred to the remarkable increase in the exports of boots and shoes between 1875 and 1892, declaring that the figures did not lend any support to the suggestion often made that the export trade had suffered from the alien influx owing to the inferior quality of goods produced; imports, following an increase between 1873 and 1876, remained stationary, and “it appears likely therefore that the influx of foreigners has done something to check the growth of importation of boots and shoes.”² More recent figures of the value of the exports in the three

¹ *Jewish Chronicle*, April 22nd, 1898.

² Cd. 7,406, p. 91.

industries discussed are taken from the latest Board of Trade Returns :—

			Clothing.	Boots and shoes.	Furniture and cabinet ware.
			£	£	£
1905	..	..	4,770,964	2,118,983	731,413
1906	..	..	5,376,012	2,245,795	760,334
1907	..	..	5,634,404	2,383,878	801,603
1908	..	..	5,016,387	2,334,141	661,265
1909	..	..	5,645,539	2,572,052	748,742
1910	..	..	7,410,772	3,306,267	987,562

Last year's figures were the highest on record in each case. Imports of clothing have at best remained stationary, totalling less than three and a half millions in 1910 : in boots and shoes, they have been below a million all the six years, but this figure is considerably higher than the figures given in the 1894 Report: furniture imports have fallen from £577,427 in 1905 to £406,335 in 1910. The boot and shoe trade suffered very heavily some years back from the American invasion, but its recovery is shown in the above table. Before 1903 furniture was classified with such things as "house frames" and "fittings" : in that year the furniture imports were valued at £707,414, and it will be seen that they have steadily declined. The furniture figures give point to the evidence before the Commission of Mr. M. Wigram, a Sheffield furniture dealer, who stated that years ago a lot of furniture came from America, but that by means of foreign labour, we were coping with that market.¹

¹ Min. 20,085.

Cigarette making is another industry introduced by aliens which has flourished remarkably to the advantage of native workers. Mr. Kramrisch, manager for Messrs. Mitchell & Son, Glasgow and before that, manager for Messrs. Players, Nottingham, told the Commission that in 1882, when he entered Players' employment, the cigarette trade in this country was in its infancy. Russians had to be imported as workers, and he claimed that the industry "has been the means of providing work for British workers in connection with the packing, printing and box making, in addition to those British makers who are engaged in the cigarette making themselves." All the workers in the subsidiary branches have been natives, and now hundreds of native workers are engaged in an occupation once entirely unknown to them.¹ Mr. J. Prag, J.P., another witness, contended that it was due to the Jewish immigrant that the attack of the American Trust in this trade had been repelled.² Cigarettes now make a brave show in the Board of Trade Returns:—

				Imports.	Exports.
				£	£
1905	..	..	..	128,782	Not given.
1906	..	..	..	124,542	763,708
1907	..	..	..	132,751	963,269
1908	..	..	..	126,831	1,108,364
1909	..	..	..	114,831	1,334,132
1910	..	..	..	125,922	1,643,993

¹ Min. 21,717.² Min. 17,863.

Cigarettes have only figured in the returns since 1902: prior to that they were included with "other sorts" of tobacco. The Board of Trade figures, of course, give no indication of the vast quantity of cigarettes of home manufacture consumed in this country. To have introduced an industry, which, in the years of the agitation, has grown to such proportions is an achievement for which the Russian immigrants are entitled to some credit. Cigarettes, it is well known, are themselves Russian aliens: they were first brought to England from the Crimea after the war, but it was many years before they attained popularity. This year's census should reveal a large number of native workers in cigarette making and subsidiary industries. The recent Census of Production Blue Books give the following figures of the output of clothing, boots and shoes and cigarettes in 1907:—

Men's and boys' clothing, £24,710,000,¹

Boots and shoes, £20,023,000.²

Cigarettes, £8,191,000.³

In each case the estimate is declared to be below the actual. The export figures of clothing include waterproofed goods. The waterproof industry affords another instance of natives reaping the benefits of a trade introduced by aliens. "Quite 75 per cent. of the rubber manufactures of this

¹ Cd. 5,463, p. 13.

² *Ibid.*, p. 16 (97 $\frac{3}{4}$ millions of pairs).

³ Cd. 5,397, p. 24.

country," said Mr. B. Abrahams to the Commission, "came from factories started and owned by foreigners, while, on the other hand, quite 75 per cent. of the labour employed by these foreigners is English."¹ Mr. Prag gave the following list of trades introduced and developed by Jews:—Mantle, boot and shoe, clothing, fur, cap making (which has developed amazingly of late), cigar and cigarette, trimming, waterproof clothing, cabinet making, and blouse making.² Asphalte was introduced by Italians.³ The alien miners are practically all in Lanarkshire, Scotland, and Mr. Churchill, in reply to a question in the House of Commons on March 2nd last, said he had no reason to believe their number was increasing.

To turn to the all-important question of wages—the charge that the alien undersells British labour. Tables XVI. to XVIII. in the Appendix to the Alien Commission Report, referring to the three principal alien trades, show increases of wages, and the Commission admits this (par. 101). The figures cover a period of ten years, 1893 to 1902. Of thirty-one changes in the furnishing trade four only are decreases, two of them being packing-box makers at Glasgow and Manchester; the other declines were at Bristol. In the remaining twenty-seven cases, referring to places all over England and Scotland, only improvements

¹ Min. 18,899.

² Min. 17,852.

³ Min. 14,808.

are recorded. The boot and shoe trade shows thirty-four instances of advance and only four of reduction, including a decline in piece rates for Northampton lasters employed on Army work. Forty-two cases of higher tailoring wages are given and no decreases: the table refers only to the bespoke and not to the ready-made section of the industry, which is noteworthy, owing to the natural assumption that the newer development would injuriously affect the old-fashioned workers. But the development of the clothing trade has reduced the price of clothes without lowering wages, and the second Fiscal Blue Book notes the cheapening of workmen's attire.¹ The reduction amounts to about 15 per cent. in the price of suits and trousers and 3 per cent. in the cost of overcoats.

The Board of Trade volume of statistics published in 1909, referring to hours of labour and earnings in 1906 in the clothing and kindred trades, gives no indication of excessive hours worked. The average for bespoke tailors was 53½, and for the ready-made tailors 51, both below the number of hours worked in some of the kindred trades—silk hat making, for instance.² The average earnings are given as 31s. 11d. in Leeds, 33s. 11d. in Manchester, and 36s. 2d. in London. In the rest of England and Wales the average was 32s. 3d.³ The last pay week in

¹ Cd. 2,337, p. 56.

² Cd. 4,844, p. xxi.

³ *Ibid.*, p. xl.

September was selected for the wages calculation, which was unfortunate for Jewish workers, inasmuch as it was the week between the Hebrew New Year and Day of Atonement: many would not have worked five days that week, for Friday was the eve of the sacred fast. The Board of Trade 1894 Report has already been quoted to the effect that the alien worker does not accept a low rate of pay as readily as is assumed.¹ Mrs. Sidney Webb, then Miss Beatrice Potter, who worked as a tailoress to investigate the conditions properly, told the Sweating Committee that "the Jews will not take up badly paid work as a rule."² Miss Clementina Black, in an article in the *Economic Journal* in December, 1904, stated that, throughout the East End, Jewish workers, remunerated at piecework rates and working for five days a week, earn as much as Gentiles working for six. Writing in the *Daily Chronicle* of August 31st, 1909, Miss Black, with obvious impartiality, remarked that some of the best employers known to her were Jewish, also some of the worst. In a book, entitled "Makers of Our Clothes," written in conjunction with Mrs. (now Lady) Carl Meyer and published about the same time, Miss Black mentioned well-paying Jewish employers as a fact worth noting in view of the frequency with which Gentile rivals attribute to Hebrew competition "the ruin of the trade" and the prevalence of

¹ *Supra*, p. 17.

² No. 240, min. 3,281.

starvation wages.¹ As is only to be expected, there are occasional complaints—not many—against alien immigration in some of the many Blue Books produced by the Poor Law Commission, and references of another character. In one of the Appendix volumes a Report by Miss Constance Williams and Mr. T. Jones on “The Effect of Outdoor Relief on Wages and the Conditions of Employment,” mention is made of two girls at Ipswich earning 2s. 3*d.* and 4s. 6*d.* for seaming corsets, whilst three girls in a clothing factory at Leeds, “doing identical work,” earned 21s. 2*d.*, 19s. 11*d.*, and 10s. 3*d.* respectively.² Another Appendix volume, “The Relation of Industrial and Sanitary Conditions to Pauperism,” by Mr. A. D. Steel-Maitland and Miss Rose E. Squire, factory inspector, mentions a Bristol guardian, anxious, evidently, to indicate the lowest depth of wretched pay in the boot and shoe trade, remarking, “Wages in Kingswood are lower than those of the Jew in London.”³

In the Board of Trade Report referring to 1906 the average earnings of men at Kingswood for a full week is given as 27*s.* 10*d.*; in London it was 30*s.* 6*d.*, in Leeds 28*s.* 4*d.*, and in Manchester 27*s.* 8*d.* The average for the United Kingdom was 28*s.* 8*d.*, and the lowest figure was 25*s.* 11*d.* at Norwich, a non-alien centre.⁴ In this industry

¹ P. 52.

² Cd. 4,690, p. 69.

³ Cd. 4, 653, p. 105.

⁴ Cd. 4,844, p. xlv

the subdivisions are so numerous that, unfortunately, these figures can only convey a vague general impression. Hours of labour in a full week averaged 54 at Kingswood, 52·6 in London, 53·5 in Leeds, 56 in Manchester, and 54·4 in Norwich. The average for all districts was 53·5.¹

The word "sweating," it is almost staggering to note, was not used by the Alien Commission in its conclusions on the industrial and economic aspects of alien immigration, the summing up contenting itself with a statement that the conditions under which a large number of aliens worked in London fell below standard (par. 134). This guarded expression must be due to the warning given to the Commissioners by Sir H. Llewellyn Smith not to put a definite meaning upon the term "sweating." Few will disagree with his opinion that to the public, in a vague way, it means the evils of long hours, low wages, and insanitary conditions; but he added that to the old-fashioned English tailor it meant nothing more nor less than subdivision of labour, that in the boot and shoe trade it meant giving out certain processes to a contractor, that in other industries it simply implied home work, and that in general it denoted any particular form of organising labour to which objection was taken.² The same difficulty of definition troubled the Sweating Committee, and Mr. John Burnett rather startled Lord Thring,

¹ Cd. 4,844, p. 150.

² Mins. 22,657 *et seq.*

who asked, "But suppose I labour myself and also make a profit from the labour of others?" by replying, "You are in that case distinctly a sweater."¹ Mr. Burnett characterised sweating as the sub-contract system, which makes its profit from labour alone.² Mr. Booth, in "Life and Labour in London," remarks that unless pointed by some opprobrious adjective "sweating" is scarcely a term of reproach, being applied to good and bad alike. The public, however, usually meant something definitely bad when using the word, with the result that, as all alike bore it, all alike were branded by the word.³

By the use, then, of a free and easy unscientific term, the alien has suffered in the general estimation, but, naturally, this does not excuse the crimes committed against humanity in ill-conditioned workrooms under the control of grinding task-masters. The more stringent application of the Factory Acts, the added strength given to them by Parliament, and the healthy public horror against the system have had the effect of securing a wonderful improvement not only among alien workers, but also in industries and districts where the foreigner is not. Although the public is still prone to regard the terms "alien" and "sweater" as indistinguishable, the Sweating Exhibitions that have been held in recent years, the debates

¹ No. 303, min. 17,224.

² *Ibid.*, min. 17,222.

³ Vol. 4, p. 329.

in Parliament, and the application of the Trade Boards Act to other industries than tailoring and boot and shoe making, have been a valuable education. The Truck Acts, designed to prevent illegal deduction of wages, it must also be remembered, were not due to the alien; and Kingsley wrote "Alton Locke," in which he drew attention to the wretched condition of English tailors, and Thomas Hood his immortal "Song of the Shirt," long before the present race of alien immigrants settled in this country. Advantage was unquestionably taken of new arrivals, anxious to be no burden to anyone, to impose inordinately long hours of labour for miserable pay. The immigrants submitted without protest, regarding the early period as a term of apprenticeship; but the Alien Commission Report itself bears testimony to the tendency of the "greener," *i.e.*, the new arrival, to rise rapidly, and the old system has long ago decayed. There are not now, and have not been for years, the numbers of new arrivals necessary to such a system, and, happily, the factory inspector cannot easily be deceived and avoided. The annual factory Blue Book is still painful reading, but not because of the aliens. They come out of that official record rather well. Among the Jews, too, very few women work after marriage, and rarely in the period before childbirth. Jewish children, moreover, are allowed to finish their schooling years before being sent into the workshops. There are directions—and this is

admitted—where the alien has set up a standard that might well be copied.

Mr. H. Evans, who had been an East End factory inspector, stated in evidence before the Alien Commission in 1902 that the sweater was a “vanishing quantity,” and that “probably during the next ten years he will have ceased to exist so far as the leather trades are concerned.”¹ What he called sweating only took place in the leather trades.² Mr. Evans also made this interesting statement: “I understand it is alleged native labour has suffered by the influx of aliens, and I say I have not come across a single case where a native has been displaced.”³

Consideration of the industrial and economic aspect of alien immigration is incomplete unless account is taken of the foreigner as consumer as well as producer. On this the Commission is silent, although the Board of Trade Report of 1894 laid stress on the matter in these words:—

“When the question, however, is regarded from the point of view of the community as a whole, rather than from that of particular trades, the immigrants must be considered as consumers no less than producers. The result of their presence in creating a demand for the products of other industries must be taken into account as well as any interference they may exercise as producers with the labour of particular groups of workers. This is a side of the question which should never be lost sight of, though it tends often to pass out of view

¹ Min. 11,692.

² Min. 11,698.

³ Min. 11,677.

because the effect is widely distributed over many trades, whereas the influence of the immigrants as producers is concentrated in a few departments of a few industries.”¹

Systematic disregard of this important factor seems to have led to the belief that aliens never spend any money with native tradesmen, and the charge is often laid against the Jews that they deal only with their own people. But there is direct evidence of their influence as customers. Although the Jew is almost invariably regarded as a trader, it is overlooked that the majority of them in this country are workers, and their needs have perforce to be supplied by others. Conscientious Jews, of course, will not purchase meat unless it is slaughtered and prepared in accordance with the Mosaic ordinances; but outside this commodity the same ritual obligations do not apply, and it is a fact that non-Jewish butchers have been induced to set up a Jewish department. under the care of a certified “shomer,” or “watcher”; in earlier years this practice was much more prevalent than now. And against any complaint of “tribalism” that may be made with regard to the purchase of meat there is this to remember, that the Jews are great eaters of poultry and fish, the supply of which has stimulated these industries to an extraordinary extent. It is not too much to say that where Jews congregate they have made the fish and poultry markets. Poultry is bought

¹ Cd. 7,406, p. 137.

alive for slaughter by the persons duly licensed by the Chief Rabbi; fish is purchased in great quantities, and even where the salesman is a Jew, the wholesale dealer, both of fish and cattle, is rarely so. The complaint that the Jew trades only with his own in general commodities is one that moves the shopkeepers of his own kind to sarcastic mirth. There is visible refutation of the charge. Nowhere in the East End are Jewish shops to be found at all comparable with the huge drapery establishments of Gardiners and Venables facing each other at Whitechapel corner. And there are others, completely dwarfing the modest emporiums of the aliens.

CHAPTER V.

THE STANDARD OF LIVING.

THAT the alien is inveterately given to a low standard of living is an axiom with the anti-alien. It is a cardinal principle of his *credo*, enunciating his conviction that the foreigner is a human being in a degraded evolutionary state, of stunted physique, deficient intellect, lacking in mental and bodily stamina, prone to disease, deceit and dirt, and destitute of all the material and moral attributes that go to ~~to~~ make a man a respectable sociological entity. That is the obsession: observers and investigators have compiled a whole encyclopædia of data in repudiation. To begin with the all-important matter of health. The Alien Commission was satisfied on the point, placing reliance upon the testimony of Dr. H. Williams, the Medical Officer of Health for the Port of London that the health of the immigrants was fairly good, and that he could not say much infectious disease has been brought into the country by them (par. 68). Extraordinary verification was adduced by the Jews' Temporary Shelter in Whitechapel, which admits immigrants of all nationalities and creeds, to the effect that, among

the many thousands passing through the institution, not a single case of sickness had occurred in six years. This statement was regarded as so remarkable that the Commissioners sought for, and obtained, corroboration of it (par. 69). The Shelter has developed almost entirely into a hostel for transmigrants; it acts as a dispersion agency, offering all arrivals protection from dockyard crimps and other land sharks: and since the date of the statement which impressed the Commission, nearly eight years, its bill of health has been equally good.

The Shelter performs useful service to the State. When the cholera is prevalent on the Continent and fears are entertained of its introduction here, it undertakes to keep immigrants and transmigrants under observation. The Shelter officials take those who have addresses to their friends, strictly enjoining them to notify any change of residence. The addresses are sent to the Port Sanitary Authority and to the Public Health Department of the London County Council, whose inspectors are thus enabled to keep in touch with the new arrivals. It is an onerous duty, and in asking the Shelter to undertake so arduous and responsible a task, the authorities pay the institution a compliment, which is highly appreciated.

The majority of immigrants and transmigrants cannot help but arrive in a condition the reverse of prepossessing. They have to travel long distances in Continental trains, and then on boats which are

frequently anything but comfortable; they are badgered mercilessly, buffeted from station to station, and it is not unusual for them to sleep in their clothes for a week or more. Unkempt and dishevelled they often are on arrival, but not from choice; and the sleeplessness and suffering they have to undergo is often the cause of soreness of the eyes, which is regarded as something much more serious. As to physique, it should be sufficient to remark that many of the emigrants from the Continent are young men in the very prime of manhood, flying from conscription, and not merely from that horror which is the Russian variety of compulsory service. Unthinking persons sneer at the Russian Jew who declines the pressing invitation of the Tsar to enter his army; as "deserters" they are doubly undesirable. They know not the conditions of service imposed upon the Jew. He may prove himself the greatest military genius; he cannot rise from the ranks. Nor is he permitted to serve his term in his home district; he is transported in cattle trucks to dismal regions, brutally treated, and regarded as a pariah by his superiors and Christian brother rankers. Denied the commonplace privilege of citizenship, the right to live, what is there to induce him to die for his country? When, in the days of the war in Manchuria, Russia called up the reservists, there was a stampede. The streets round about the Shelter were filled with a motley crowd of men—some, mere boys; others, fathers of

grown-up families—not all Jews—who had taken their lives in their hands and had stolen across the frontier rather than consign their bodies to the cause of a war for which they had no sympathy.

It was a time of great stress and pressure at the Shelter, but the British community only benefited. Not one of the refugees was allowed to come on the rates. Headed by Lord Rothschild, the Jews of London, without making any public appeal, bore the expense of dispatching every man either to the Argentine, the States, or Canada. Their passage was paid; they received clothes and money. Many of the fellows were of magnificent physique. This is what a British general said of them:—

“In order to see the Russian reservists who recently arrived here, Major General J. M. Moody, in company with two lady doctors, has visited the Jewish alien shelter in Leman Street. It was a surprise visit, and the party spent an hour among the refugees. The lady doctors looked at their bodily health, whilst General Moody took stock of their physique with the eye of an old recruiter. General Moody told me that he has never seen a finer lot of men taken as a whole.

“They were well developed, well fed, big chested, and with legs like moulded pillars. These Jewish soldiers had served from two years and seven months to four or five years in various branches of the Russian Army—the artillery, cavalry, infantry, etc.—the engineers’ branch alone being excepted, for that is not open to Jews. General Moody asked the question whether, if they had been given the same advantages as Christian Russian soldiers, would they have responded to the call to the colours and gone to the front? There was at once a shout of assent from the

men in the big room, which came heartily and spontaneously. Only a small knot of men in a corner remained silent. These were said to have come from Kishineff, where the Jews were massacred.

"General Moody was told that no man could rise to be a non-commissioned officer, and if a Jew was killed, the 37 roubles, which is said to be granted to the widow of a Christian soldier who dies on service, is withheld from the Jew's wife. She is left to starve. 'I could hardly think that the Tsar could be cognisant of this,' said the general, 'and those who are responsible for losing such fine bodies of men must be out of their mind.'"¹

Mr. Hawkey, the Customs Examining Officer, gave similar evidence to Dr. Williams as to the condition on arrival, declaring that he seldom saw a case of illness or physical defect.² The condition on arrival being good, there is every facility here, every incentive for a continuation and for improvement, and every discouragement to retrogression. The Alien Commission Report testifies to the excellent effect of this (par. 143). Medical testimony gives further proof. Dr. (now Sir) Shirley Murphy, Medical Officer of Health for the County of London, made special reference to the lower general and infantile mortality among the Jews.³ "If foreign immigration has had any effect at all," he declared, "it has been in leading to the diminution of the death rate, both from all causes and the infant death rate." These results under conditions

¹ *Western Morning News*, "London Letter," January 24th, 1905.

² Mins. 1358, 1359.

³ Mins. 3,960 *et seq.*

from which the reverse might have been expected, Dr. Murphy ascribes to "the more careful lives these people lead, and to their ability to safeguard themselves against disease in a much larger degree than the ordinary Christian population does. I think greater care of their children is probably a large element in the result." Whitechapel was stated by a vaccination officer to be the best vaccinated district in London.¹ Dr. Niven, Medical Officer of Health for Manchester, told the Commission that the Jewish district in his city was entirely spared from an outbreak of typhus in 1900, and from an epidemic of small-pox two years later.² Dr. Niven submitted interesting figures respecting the health of Manchester. The general death rate in the years 1900 to 1902 was 21·78; in the Jewish quarter it was only 16·99. Deaths under the age of five were at the rate of 72·50 in the whole of the city; in the Jewish quarter the rate was 55·88. The death rate from phthisis was 1·31 among the Jews, 2·09 in the whole of the city. Only over the age of 65 was the Jewish death rate higher than the general, giving proof of longevity.³ These death rates are all the more significant in face of the higher birth rate among the Jews.

A comparison of birth and death rates in different parts of London and some of the leading provincial towns is highly favourable to Stepney.

¹ Min. 18,314.

² Min. 21,794.

³ Min. 21,872.

The following figures, referring to the year 1909, are taken from the latest Report of the Public Health Committee of the London County Council:—

	Birth rate.	Death rate.		
		General.	Epidemic diseases.	Infantile mortality.
London	24'2	14'7	1'30	108
STEPNEY	30'5	16'0	1'68	119
Finsbury	29'6	19'9	2'36	131
Shoreditch	31'7	20'0	2'87	140
Bethnal Green	31'6	17'0	1'99	129
Poplar	30'3	16'8	2'37	129
Bermondsey	32'3	19'2	2'74	138
Hammersmith ..	23'9	14'9	1'67	120
Birmingham ..	26'6	15'4	2'03	134
Liverpool	31'1	20'4	2'11	144
Manchester	27'8	20'0	1'81	134
Leeds	22'8	15'3	0'80	122
Sheffield	28'2	16'2	1'78	118
Newcastle	27'3	16'0	1'22	119
Nottingham	25'7	17'0	1'67	150
England and Wales	25'6	14'5	—	109

Stepney, it will be seen, although it has one of the highest birth rates, has a low death rate under each head, but mere figures are insufficient to indicate its record. With a population greater than that of Nottingham or Newcastle, Stepney is a compact borough without the rich leisured classes, the pleasant suburbs and the beautiful parks of Liverpool, Birmingham, Manchester and the other great cities. Existence is strenuous, drab, with more than a fair share of Nature's

misfits and luckless driven there by the relentless pressure of the "other half" of the overgrown Metropolis; and one would naturally expect a heavier toll of life. But there has been a vast improvement in East End health conditions since the day when a former Medical Officer of Health for Whitechapel exclaimed, in 1858: "How to overcome this frightful and apparently increasing amount of mortality among the young is a problem well worthy of the attentive consideration of every citizen." Even in 1870, fifteen years after the passing of the Act "for the better local management of the Metropolis," marking the turning point in the sanitary history and evolution of London, the infantile mortality in every part of the city was described as appalling. With the improved sanitary conditions, the betterment in the East End has not taken place in spite of the alien: the foreigner has accelerated the rate of progress by the greater care lavished upon the children. Among the Jews breast-feeding is the rule, not the exception, and Jewish children are not brought up on beer and pickles. Praise has been bestowed in great plenty on Jewish mothers in recent years. Dr. Hutchinson gave evidence on the point before the Select Committee on Physical Deterioration, and referring to his testimony, the Report states: "He notes a better state of things among the Jews, which may be connected with the abstinence from labour of Jewish mothers."¹

¹ Cd. 2,175, par. 268.

Jewish mothers are seldom allowed to work during pregnancy; the majority of them, indeed, bid farewell to the factory and workshop on their marriage.

None have investigated the condition of Jewish children born of alien parents more closely than Dr. William Hall, of Leeds. The results of his measurements of Jewish and Gentile school children have attracted considerable attention in recent years. He summed them up in a paper read before the Health Congress at Leeds on July 21st, 1909. Drawing a contrast, the Jews, he said, prevented their children suffering from rickets and scurvy by the free administration of oil, fresh fish and vegetables—and fruit when they could get it—while Gentile children suffered much from the lack of such food. Ninety per cent. of Jewish mothers breast-fed their children: from 85 to 90 per cent. of Gentile mothers did not. He mentioned the Jewish power to resist infection as being due to their superior feeding, adding that with the aid of an enthusiastic assistant, he had given 150,000 meals to Gentile children, adopting the Jewish diet, and had the great satisfaction of seeing crooked legs grow straight. In the Leeds slums, the Jewish children excelled in weight, in teeth, and in general bony framework. In the same environment, the Jewish child was healthier and stronger than the Gentile. The tribute to the Jewish ancestral stock is, naturally, a testimonial to the bodily fitness of the alien immigrant:

and as bearing on the general impression that the Jew is puny, Dr. Hall's examination of 2,704 Gentile and Jewish school children from six to thirteen years of age is most instructive. He found that at eight years of age, the poor Jew was 2 inches taller and 3 lbs. heavier than the poor Gentile; at ten years of age, $2\frac{1}{2}$ inches taller and $6\frac{1}{4}$ lbs. heavier; and at the age of twelve, 7 lbs. heavier and $1\frac{1}{4}$ inches taller. Miss Carey, a former sanitary inspector of the City of Westminster, endorsed Dr. Hall's statements as to the feeding of Jewish children and Jewish families generally.¹

This superiority is due almost entirely to the Mosaic dietary and sanitary laws which have evoked words of admiration from many people, including the late Mr. Gladstone. Perhaps the most extraordinary praise has come from Mr. Hunter Boyd, of Canada, a speaker at the Leeds Health Congress, who also delivered a remarkable address on June 19th, 1909, at the Tuberculosis Exhibition at the Whitechapel Art Gallery. As a keen Christian observer, he took the view that Judaism is a perfect creed of hygiene and rule of life. He went interestingly through many of the observances to prove that they were rules of health and discipline.² A paper on "The Mosaic Sanitary Code and its Relation to Modern Sanitation," by Mr. P. M. Raskin, a Jewish sanitary inspector, of

¹ *Yorkshire Post*, July, 22nd, 1909.

² *Jewish World*, June 25th, 1909.

Leeds, at a meeting of the Sanitary Inspectors' Association in the Yorkshire city, on January 16th, 1909, excited unusual interest. In the discussion which followed, Dr. Cameron, the Leeds medical officer, commended the Jewish prohibition of taking meat and milk together.¹ The pious Jew will not touch milk or butter or cheese for six hours after partaking of flesh. "Kosher" food, prepared according to the Jewish ritual, by the way, costs more than ordinary food. Dr. Hall, at the Health Congress, mentioned the extraordinary attendance record of the Leylands School, Leeds, where the children are all Jewish. Some years ago this school won the piano given by *Pearson's Weekly* for the best attendance in the United Kingdom for a year, with the wonderful figure of 99·47 per cent. For seven years the attendance never fell below 98 per cent. : seventeen months were marked by an attendance of 98 per cent., fifty-five months by an attendance of 99 per cent., and twelve months by 100 per cent. The average school attendance for the whole country was 85 per cent. These figures are the best possible testimony to the health of the children. When I acted as a school manager in the East End, I took especial interest in this matter of attendance, and found that great care was taken that children should keep away from school when ill. In 1906 a special school for alien children suffering from favus was opened in Finch

¹ *Yorkshire Post*, January 18th, 1909.

Street, Whitechapel, but in the summer of 1909 it was closed.

Even more striking than their health record is the sobriety of the aliens, particularly of the Jews. This is proverbial, and has led to some quaintly petulant outbursts. Mr. Arnold White, commenting on the temperance of the Jew, declared, in his chapter on overcrowding in his book, "The Problems of a Great City," that "the poor foreigner evades all taxation in England." And the chairman of the City of London Breweries, at a meeting on February 1st, 1905, hoped the new Aliens Bill would have the effect of remedying their declining East End business.¹ The very virtue which, the Rev. A. E. Dalton, the Rector of Stepney Parish, informed the Alien Commission, had led to the closing of several public-houses in Jewish quarters² was accounted to them as a sin. As a matter of fact, the alien is very rarely teetotal, so that he does contribute to the liquor revenue, but he is almost invariably temperate. An intoxicated Jew is a great rarity, and a prosecution for drunkenness a thing almost unheard of. A summons for child neglect is also exceedingly rare. All this enabled Miss Beatrice Potter (Mrs. Sidney Webb) to state, "They are, in fact, placed in the midst of the very refuse of our civilisation, and yet the Jewish inhabitants of East London rise in the social scale."³ On the

¹ *Daily News*, February 2nd, 1905.

² Min. 10, 176.

³ "Life and Labour in London," vol. 3, p. 186.

same high plane is the encomium of Canon Barnett in an introduction to a book entitled "The Jew in London," by C. Russell and H. S. Lewis:—

"He has a certain dignity born of the consciousness of the past, he treats his wife with respect, rarely calling upon her to work at a trade, or behaving to her with brutal violence. His family life is as a rule happy, his children are often more judiciously fed than those of his neighbours, and are brought up without resort to many scoldings and blows. He is very persistent—he endures hardships and faces opposition with a conquering perseverance, He takes up a new pursuit, he enters on new conditions of life, he begins again and again after failures with an energy and resourcefulness, if not greater, certainly more patient than that of the Anglo-Saxon."¹

Mrs. Barnett shares her husband's opinions. At the opening of the Emily Harris Home for Jewish Girls, by the Duchess of Albany, on June 15th, 1909, she stated, "For thirty-three years I lived in Whitechapel, and saw many homes, and I say without fear of contradiction that the Jewish home can stand as an example and a standard in those essentials which are necessary for home making."

Two days later, at a meeting of the Lambeth Borough Council, Councillor E. A. Miles stated that in forty houses erected for the use of working men, an inspection within six months after they were occupied showed that in only six of them was the bath used for its proper functions; in the

¹ P. xxii.

others the bathroom was used as the coal house, or as the receptacle for any old rubbish.¹ Lambeth is not the Jewish, or alien quarter, and this statement, similar to others, is rather an ironic commentary on the hoary joke of the Jew who, inspecting a house, wondered what the bath might be, and the other antique quip of the Hebrew running for his annual dip, and being hailed by a friend, crying out, "Don't stop me; I was stopped last year!"

Miss Clementina Black, in the article already quoted as to wages, also bears witness to the qualities of the Jewish aliens, describing them as possessing the essential virtues of good citizens; "they are industrious, sober, admirable in family relations, peaceable, and ready to be law-abiding. The idea that industrious, well-conducted people are a burden upon the country in which they work and live is a topsy-turvy notion only fit for Gilbertian opera. Such people are engaged in creating part of the country's wealth."² Of their regenerative capacity a Manchester Christian writer speaks in these glowing terms: "Under certain circumstances of misery and sordidness the Englishman throws up the sponge. In the same circumstances the Jew sets out to make the best of things. If he is pitchforked into a slum, then, first of all, he begins to make the slum as little harmful to himself as possible while he is there,

¹ *Daily News*, June 18th, 1909.

² *Daily Chronicle*, August 31st, 1909.

and afterwards he settles down to the job of getting out of it as fast as he can.”¹

Lack of cleanliness is only one of the proclivities characterised as peculiar to the alien. He is accused of being untruthful, and of being addicted to gambling. The latter complaint is one of the most ungracious that can be made in a country where betting is regarded as a national virtue, sanctified under the name of “sport,” and held sacrosanct against reformers anxious to improve social conditions by diminishing the facilities for wastefulness. And if cards are not to be classed on the same high plane as horses, dogs, football teams and pugilists as a money-losing medium, what of the worship of bridge? As to veracity, it is not denied that the newly arrived alien is rather a stranger to the quality. But truth for him has lain at the bottom of a poisoned well. In Russia in particular all life is a lie. Truth is an outlaw in the land of the Tsar, where the privilege of existence is to be purchased only by bribery and intrigue. The passport system is fatal to truth, as the emigrant finds to his cost when he endeavours to leave the country. And by the time he arrives in a new land he is so bewildered by the bullying and robbery he has undergone at every stage of his journey that truth strikes him as the last conceivable and desperate subterfuge. He has probably been given a false name by an agent who has obtained a passport for a family

¹ *Manchester Weekly Times*, September, 1909.

and has made up a group of strangers: he does not know the right moment to resume his own name, and he is fearful of doing so lest some evil might befall him. He is often told not to mention his true destination, else some land shark will rob him of his ticket, or endeavour to prove to him that it is spurious—thus do thievish agents work on the Continent: and the query as to what money he has in his possession is too often but the prelude to an attempt to deprive him of it. But, with all his antipathy to the truth, he has nothing to learn from his detractors here. Truth seems to be a singularly relative term—worse than Jesuitical—in the minds of many anti-alien agitators. The slightest lapse on the part of the foreigner is a contravention of all the laws, written and unwritten, that make a stranger desirable; but on their part the deliberate disregard of facts and of figures is held to be justified. A few newspapers found it necessary recently to apologise for statements made by writers who rushed hastily into print, statements which essayed to prove that something like 100,000 aliens were added to our population last year, and that the County Council officials refused to let tenements to English people in the East End, preferring to accept bribes from aliens. One newspaper was vigorously denounced at the Council meeting of February 28th last. And what is to be said of Major Sir William Evans Gordon, a British officer and ex-M.P., who, disdainful of his signature to the Alien Immigration

Commission Report, which declared itself satisfied as to the health of immigrants, accused them in the *Nineteenth Century* of last February of importing disease?

Destitution is taken for granted, and in the early days of the agitation, the pet phrase was not the "undesirable," but the "destitute alien." One cause for the general misconception was revealed in evidence before the Alien Commission. It was stated that the London Police Commissioner included in his Report to the Board of Trade each year a statement estimating that 25 per cent. of the Russians and Poles arriving in London were destitute. The Jewish Board of Deputies protested very strongly and the practice ceased.¹ The Royal Commission was constrained to admit that destitution is by no means the rule on arrival (par. 74). The Report quotes the opinion of Mr. Hawkey, the Customs' Officer, that the tendency of the alien is to understate the sum he possesses.² This is well known to all who have had any experience of the immigrants. Many of them sell up every scrap of their belongings before leaving their homes, and after their experience of the bandits who infest their path across the Continent, it is only to be expected that they should be chary of mentioning the actual sums in their possession. Mr. Hawkey told the Commission that he had seen two cases of 1,000 roubles in the

¹ Min. 16, 602.

² Min. 1,332.

possession of immigrants, one case of 650 roubles, two 500's, two 400's, two 300's, one case of 4,000 marks, and 2,000 marks several times.¹ The Shelter officials regularly take charge of large sums of money for immigrants and transmigrants; last year this amounted to no less than £26,390 compared with £8,000 the previous year.² The strangest comment of all on the poverty of the aliens is made in the Commission Report that "they have a tendency to grow rich" (par. 144). The Commissioners must indeed have been *in extremis* to add to the sins of the aliens.

Still, although it is recklessly incorrect to brand all aliens as destitute, a considerable number have in the past arrived in a wretchedly poverty-stricken condition, and one of the regulation charges of the agitators was that Jewish charity here acted as a great inducement to immigration. It was a monstrous accusation. The Jewish community is afflicted, as is every other, with "unemployables" and "workshies"; they are termed *schnorrers*, chronic mendicants, and the Yiddish language contains no more contemptuous term. The *schnorrer* receives short shrift from the Jewish Board of Guardians and other communal charities. He has become the pet *protégé* of the missionary in the East End, and the system of pampering degraded Jews who hypocritically profess an interest in Christianity whilst Gentiles are

¹ Mins. 1,312 *et seq.*

² *Daily Telegraph*, February 20th, 1911.

neglected has met with sharp criticism from a good many Christians themselves. Much of the missionary effort among the poor Jews is but a system of endowing poverty and of subsidising fraud; the competition among the workers has provoked even the assistant secretary of the Society for Promoting Christianity among the Jews to an expression of regret.¹

The premier Jewish charity in the United Kingdom, and undoubtedly the leading organisation for the assistance of aliens, is the London Jewish Board of Guardians. It is entirely a voluntary organisation, and was established in 1859. Since then its work has grown enormously, and it now has a balance sheet dealing with a sum, including various trust funds, of over £80,000 annually. It is a non-pauperising charity, and only part of its work is of an eleemosynary character. Its great object is to stimulate self-help which it does by means of loans, repayable in easy instalments, by apprenticing boys and girls to trades, and by giving a period of training in workrooms to others. Many of its beneficiaries have subsequently become subscribers. The Board works in harmony with numerous organisations and bodies, Jewish and non-Jewish, English and foreign, and although a large number of the recipients of its funds are not aliens, it has undoubtedly prevented foreigners coming on the rates and has saved the ratepayers huge sums of

¹ Interview, *Jewish World*, September 23rd, 1910.

money. By means of its sanitary, visiting, medical, sweating, and other committees, it did excellent pioneer work in the homes of the people, realising the value of such activity long before modern sociologists. It has never encouraged immigration, one of its rules being that no person who has been here less than six months is to receive assistance; and with the Russo-Jewish Committee—the outcome of the Mansion House Funds—it has endeavoured to prevent the influx of persons who could not become self-supporting. By its efforts many emigrants have been diverted to America, and numerous others have been repatriated. Advertisements have been inserted in the Continental papers at times of stress warning intending emigrants against coming to England.

Up to the Board's Jubilee year, 1909, the Russo-Jewish Committee in its twenty-six years' labours on behalf of Jewish refugees from Continental barbarism and oppression, relieved, emigrated, or repatriated 32,813 persons at a cost of just under £65,000. This repatriation work was seized upon as an argument by the Arnold White school, who, with an elasticity of logic, and concurrently with their charge against the charity of acting as a magnet, utilised this feature of its administration as proving the need of wholesale exclusion.

But on the whole the labours and effects of Jewish endeavour are gratefully acknowledged.

Mr. James Brown, the chairman of the White-chapel Guardians, told the Alien Commission that "the Jewish Board of Guardians almost entirely relieve us of any burden with regard to the alien population."¹ Leeds, Manchester, Liverpool, Birmingham, and smaller communities, have their Jewish Boards of Guardians; and there are also non-Jewish alien hospitals and charities of various kinds. Naturally the subscribers are not all aliens, but the fact that the aliens and their friends—the latter, it may be taken, mostly the descendants of aliens—do prevent the foreigners coming upon the poor rate except to a moderate extent must not be forgotten. Moreover, the aliens pay the poor rate, and, as all the great subscription lists indicate, those who contribute largely to the Jewish and other charities, are munificent subscribers to the general charities of the country. The value of the work of the London and the provincial Jewish Boards of Guardians is attested in the records of the Poor Law Commission. Dr. Niven, Medical Officer of Health for Manchester, stated that the Board there prevented people coming on to the rates.² A charge made against the Jews of Leeds that they got more than their proportion of relief from the rates was investigated and disproved.³

Mr. R. Bushell, the master of the Bethnal Green

¹ Min. 11,018.

² Cd. 4,835, p. 117.

³ Cd. 4,690, p. 134.

Workhouse, said he never got an able-bodied alien,¹ and Mr. A. G. Crowder, chairman of the St. George's-in-the-East Guardians, declared that Jews very seldom applied for relief, being extremely provident, very law-abiding and industrious.² Mr. Fairchild, who had been chairman of the Hackney Distress Committee, did not consider that alien immigration had more than a slight bearing upon unemployment.³ Mr. Ferguson, a Glasgow Poor Law official, said he never had applications for relief from Russians and Poles, and that these aliens received the same wages as natives, but worked harder.⁴ Sir William Chance, hon. secretary of the Central Committee of Poor Law Conferences, whilst anxious to state that East End Jews came on the rates, was compelled to admit that pauperism had declined in the district.⁵ Referring to the annual Report of the Manchester Jewish Board of Guardians, *The Christian* remarked in June, 1909, "In the face of figures and testimony such as these it would be difficult to urge that our own working classes have nothing to learn from the sojourners within our gates." The very small proportion of income spent on administration by Jewish charities has often aroused admiration; the work is largely voluntary, so that the funds may be distributed to the fullest benefit.

¹ Cd. 4,864, min. 24,116.

² *Ibid.*, mins. 17,490, 17,491.

³ Cd. 5,066, p. 520 (6).

⁴ Cd. 5,068, mins. 90,166, 90,167.

⁵ Cd. 4,755, min. 29,318.

The number of aliens who have recourse to the Poor Law is not large. The following figures for the year 1909 are taken from the Aliens Act Report :—¹

	Indoor relief.	Outdoor relief.		Lunatics.	Vagrants.	Total.
		Medical.	Other.			
Stepney Unions :—						
Mile End Old Town	107	291	2	22	—	422
St. George's-East..	263	1,197	12	9	49	1,530
Stepney	11	6	—	4	36	57
Whitechapel ..	312	490	15	42	41	900
Rest of London ..	987	168	223	151	177	1,706
Birmingham ..	7	16	39	1	—	63
Cardiff	83	22	49	7	171	332
Hull	56	—	63	1	—	120
Leeds	71	18	92	40	37	258
Liverpool	269	99	40	66	118	592
Manchester	133	9	19	61	36	258
Sheffield	6	—	10	3	—	19
Southampton ..	28	1	7	32	12	80
Scotland	113	3	63	40	—	219
Total, 1909 ..	2,446	2,320	634	479	677	6,556
,, 1908 ..	2,487	1,990	570	473	761	6,281
,, 1907 ..	2,325	2,304	575	482	521	6,207

There may be isolated cases in other parts of the country, but the whole only amounts to a very small percentage of the total. In answer to a question in the House of Commons on March 8th, 1905, Mr. Walter Long, then President of the

¹ Cd. 5,261, p. 48.

Local Government Board, published a reply stating that on July 1st, 1903—he had no later figures—the proportion of alien relief to alien population was only '63 per cent. as compared with a percentage of 2'4 (four times as much) in the case of the whole population.

Analysis of the 1909 figures set out above shows that in the Metropolitan Unions 2,552 out of the total of 4,615 were Russians and Poles. Of these, however, no fewer than 1,805 (nearly three-fourths) were in receipt of medical relief only, which, in the words of the Alien Commission Report, "regarded solely as a direct burden on the rates, is of small importance" (par. 107). In this connection the statement of Mr. C. H. Warren, secretary to the Metropolitan Provident Medical Association, to the Poor Law Commission, that from 90 to 95 per cent. of the members of their Whitechapel Dispensary were Jews is worthy of mention as indicating a reluctance to come on the rates.¹ Indoor Russian paupers in the Metropolis in 1909 numbered 632 (about a fourth of the total). In the provincial towns there were in all 488 Russians out of 1,722; 170 were indoors. Germans in London numbered 812 of the total of 4,615, over half of them (421) being indoor paupers. There were 204 Frenchmen in receipt of relief in London, again more than half of them indoors—142 to wit. Italians show the same tendency—152 indoors out of a total of 258. Russian lunatics

¹ Cd. 4,755, min. 33,580.

numbered 78 out of a total of 228 in the Metropolis, and Germans 66. In the provinces there were 211 alien lunatics, 76 being Russians and 26 Scandinavians and Danes. Lunatics are undesirables who can be deported, and the London County Council has taken advantage of the Act in this matter to rid the ratepayers of the burden. In the two years ending March 31st, 1910, expulsion orders were obtained in the case of 31 inmates of asylums under the control of the Council. Russians in receipt of out-relief in London numbered only 30. In the provinces the proportion was much higher—149 out of 488 Russians on the rates. There were only 7 Russian vagrants in London, and only 28 in the whole of the United Kingdom. Germans, on the other hand, supplied 129 of the 677 vagrants in England, Wales, and Scotland. Alien vagrants, it is important to note, are chiefly Americans. In London they numbered 136 out of 214 subjects of the United States in receipt of relief, and in the provincial towns 114 out of 252; in the whole of Great Britain the American vagrants totalled 250 out of 677 alien vagrants and out of 513 Americans on the rates. This exceptionally high proportion of Americans in receipt of relief in comparison with the small number of Americans in the country is not generally known, owing to the concentration of attention on the aliens from Eastern Europe. It will be shown also in the chapter on crime that the Americans provide the largest nationality of

criminals—a sinister circumstance in view of the infinitesimal proportion of the subjects of the United States who are excluded at the ports or subsequently expelled.

As to the local effect of alien pauperism, an authoritative statement was made in the 1901 Final Census Report, published in 1904, as follows:—

“It has often been stated that the alien immigrants in this country largely help to fill our workhouses, infirmaries and lunatic asylums. In order to ascertain what measure of truth there is in such a general statement, an examination has been made of the birthplaces of the pauper inmates of the workhouse establishments belonging to the parishes or unions of Shoreditch, Bethnal Green, Whitechapel, St. George’s-in-the-East, Stepney, Mile End Old Town, and Poplar. In these eastern areas which constitute the metropolitan boroughs of Bethnal Green, Poplar, Shoreditch and Stepney, were enumerated 715,739 persons, of whom 62,843 were European foreigners mostly living under the poorest conditions. In the workhouse establishments serving these areas, there were at the date of the census 10,820 pauper inmates, of whom only 109 were European foreigners. The proportions of indoor paupers among the general population and among the European foreigners were 15·1 and 1·7 per 1,000 respectively, the corresponding proportions in 1891 having been 13·5 and 2·8 respectively.

“The examination of the birthplaces of the pauper inmates of the Imbecile and Lunatic Asylums Board presented some difficulty, as for obvious reasons the superintendents of some of these institutions were not always able to furnish information as to the birthplace of the inmates; it was found, however, that in six of these large asylums, containing at the date of the census 11,732 paupers, 261 or 22·2 per 1,000 were born in

European foreign states. *It is clear then that the census returns do not sustain the above allegation.*"¹

In addition to the "above allegation," it is not infrequently maintained that the aliens drive the natives upon the rates. The Reports of the Whitechapel Board of Guardians completely dispose of this charge. In those Reports tables are annually presented, showing that the percentage of decrease of the indoor and outdoor paupers in Whitechapel has been infinitely greater than in the Metropolis, or in England and Wales. The last Report issued, that for the year ending Lady Day, 1910, shows that while the mean number of indoor paupers increased 78·4 per cent. in England and Wales between 1870 and 1909, and 118 per cent. in the Metropolis, the increase in Whitechapel was only 38·9 per cent. In the same period the mean number of outdoor paupers decreased in the country 26·8 per cent., and in the Metropolis 42·6 per cent.; in Whitechapel the decrease was 79·1 per cent. It was the same with the expenditure. While the cost of indoor relief in the country increased 120·6 per cent., and in London 152·4 per cent., the increase in Whitechapel was only 102·6 per cent. On outdoor relief the expenditure in the country decreased 6·4 per cent., and in London 25·5 per cent., but in Whitechapel the decrease was 90·9 per cent. It is sometimes asserted that the virtual abolition of out-relief is peculiar to this Union, and it has been termed the "Whitechapel

¹ Cd. 2,174, p. 141.

policy." Be that as it may, it is obvious that the policy could not have been pursued without the alien, for the above figures prove conclusively that not only is the foreigner little or no burden to the rates, but that he assists materially in supporting the native poor. It is a proud record, in accordance with the Jewish tradition that they cheerfully bear their own burdens without shirking the obligations of the country.

In reply to Mr. Goulding, on March 16th last, Mr. John Burns stated that 5,732 aliens received poor relief in London and fourteen other districts in 1910. Presumably these embrace the same places as those given in the table on p. 131. This indicates a decline on the figures for the previous three years. Of the total, 2,599 were Russians and 1,029 Germans; 1,781 of the cases were medical relief and 376 were persons of unsound mind.

The report of the Jewish Board of Guardians (London) presented to the annual meeting on March 26th, 1911, stated (p. 23) that the number of new arrivals who come to the Board for aid remains at a low level, and that this feature has been persistent since the Aliens Act came into operation. The same observation is made in the report of the Russo-Jewish Committee.

CHAPTER VI.

"THE SECOND GENERATION."

THE care of the poor and of the children should be a sufficient rejoinder to the imputation of a "lower standard of living," but not content to brand charity and self-help as vicious—to asseverate in fact, that "the greatest of these" has not covered, but revealed a multitude of sins—men like Mr. Arnold White and Sir William Evans Gordon have not hesitated to hurl their poisoned darts at the English-born children of alien parents. "It is scarcely necessary to labour the point," says the gallant Major, "that the first generation of children of Russian Jews in the East End are only English by a legal fiction."¹ The Major may be an adept in the spread of fiction, but his legal knowledge is on a par with the generosity of his sentiment. Mr. Arnold White, fecund of figurative phrase, eschews politeness. He took the view, before the Alien Commission, that the crux of the problem is primarily racial and international rather than economic and local—which was a negation of the whole scope of the inquiry—and he included in his sweeping excommunication

¹ "The Alien Immigrant," p. 33.

the second and third generations.¹ Scorning finesse, he brutally compared the immigrants to "base coin."² This counterfeit method of his opening of the prosecution drew a rebuke from the chairman, Lord James. Mr. Arnold White, like others who shoot first and investigate afterwards, if they do investigate at all, contradicts himself. Giving evidence before the Sweating Committee on May 1st, 1888, he said, "The second generation becomes English,"³ in which he is amply borne out by every schoolmaster—all of them Gentiles—who gave evidence before the Alien Commission. There is nothing more impressive in the 865 pages of the Blue Book comprising the Minutes of Evidence than the unanimous praise of the second generation by the schoolmasters. To take a few excerpts. Mr. J. W. P. Rawden, headmaster of the Deal Street Board School, in the East End:—

"Practically the whole of these children are of foreign parentage. Notwithstanding this fact, the lads have become thoroughly English. They have acquired our language. They take a keen and intelligent interest in all that concerns the welfare of our country. They are proud to be considered English boys. They are not lacking in benevolence. They enter heartily into our English games. Swimming, cricket and football are all adopted with enthusiasm. Many of our lads are members of the Jewish Lads' Brigade, an admirable movement for developing the physique, for cultivating habits of obedience and restraint, and for

¹ Min. 330.

² Min. 333.

³ No. 240, min. 2,300.

fostering a spirit of true patriotism. One of our old boys, *foreign born*, volunteered for the front in the late war, and faithfully served his adopted country. I am firmly convinced that the Jewish lads who pass through our school will grow up to be intelligent, industrious, temperate and law-abiding citizens, and I think will add to the wealth and stability of the British Empire."¹

Mr. Rawden further declared that there was no racial hatred among the children.² Mr. F. H. Butcher, headmaster of the Christian Street Board School, spoke of his Jewish boys as "intellectually superior," and as "good educational material."³ He found them above the average of the British child who lived in the neighbourhood twenty years back,⁴ and to the question, "Your conclusion is, if I am right, that the alien immigrant has displaced a worse class than himself?" answered, "Decidedly."⁵ Mr. W. A. Nugent, headmaster of Bett Street School, St. George's-in-the-East, said the Jewish children were not the dirtiest, and if the foreigners were told they must come clean, they did so.⁶ Comparing them with the children of his last school at Bromley, he asserted that their intelligence was of a higher order, and he added this interesting item:—

"At my last examination of one class a fortnight ago, the entry in my book, which will go to the

¹ Min. 18,873.

² Min. 18,888.

³ Mins. 18,863—18,865.

⁴ Min. 18,819.

⁵ Min. 18,825.

⁶ Min. 18,745.

London School Board, says : ' The history of this class is in a highly creditable condition, and it is a very remarkable fact that the foreign children show even a better knowledge of English history than English children themselves.'"¹

The explanation of this, according to Mr. Nugent, is that, once they are here, the boys mean to try and be English in everything. I can parallel his experience by mentioning a circumstance which struck me at the prize distribution at an East End evening school : the Gentile girls took the prizes for sewing, and the Jewish girls the awards for history, English and cognate subjects. Mr. Charles Mansfield, headmaster of the Settles Street Board School, Stepney, gave the Commission a list of successes among the second generation of his school, including a Cambridge B.A., a South Kensington Art Exhibition Scholarship, and a number of other scholarships, and also spoke of their pride in being English. The specially commendable traits to which he drew attention were : Regularity and punctuality of attendance, strong persistency and effort, often followed by success far above the average, and a ready response to the call for an expression of practical sympathy for the sick and afflicted. In farthings, halfpence, and pennies, his children had subscribed £148 14s. in twenty years to the East London Hospital.² Mr. S. Mather, Divisional Superintendent of the Tower Hamlets (that is the

¹ Min. 18,757.

² Min. 18,398.

East End) Division of the School Board of London, described the Jewish children as examples to the Christians.¹ Mr. G. L. Bruce, a member of the School Board, and now of the County Council, attributed the excellent character of the Jewish scholars to the domestic character of their parents.² The Rev. Stewart Headlam, chairman of the Evening Continuation Schools Committee of the London School Board, gave evidence of exceptional interest. It was not restricted to children, not confined to the East End, and treated also of non-Jewish aliens. Russian children, not always Jewish, coming into the schools without any knowledge of English, were able, subsequently, to do two standards in a year. In the evening schools the foreign scholars came straight from work and business very eagerly. The Italians in the Hatton Garden district were not quite so eager as the Jews, but were very regular in attendance. In the neighbourhood of Tottenham Court Road were French and German workmen, eager and regular.³

Out of school the children bear the same exemplary character, evidence on the point being tendered by Captain E. W. Denniss, assistant officer in charge of the Bethnal Green Museum for six years. He had never found occasion to eject a Jewish child from the Museum: they were

¹ Min. 10,337.

² Min. 18,329.

³ Mins. 20,218 *et seq.*

orderly, and cleaner and better dressed than the children of the natives. This he attributed to the great interest taken in them by their parents. He continued :—

“The late Supt. Weston of the J. Division, in conversation with me one day in the Museum, said that if all the population of the East End were Jews, many of the police stations might be closed. He referred to adults as well as children. I have observed the great difference at holiday times between the Jewish and non-Jewish methods of behaviour. On the Jewish New Year's day and other holidays, the children, with their parents, usually walk in a decorous way up and down the streets, visit the parks or the Museum, and at an early hour go home. There is none of the rowdiness and insobriety which marks an English holiday. At Christmas and other bank holiday seasons, Bethnal Green is one drunken orgy. Hundreds of English of the lower classes may be seen waiting early in the morning of Boxing Day for one local public-house to open, many of these people having probably been up all night. I have never yet seen a drunken Jewish person, nor have I ever observed in the back streets or otherwise any indecorous or indecent conduct of any description on the part of the Jewish people. So far as the children are concerned, I consider their language is infinitely better than that of the non-Jewish boys and girls. The boys born in England of foreign parents are quite English in their manners and tastes. They are remarkably loyal to the British Throne, and many I know made strenuous efforts, not always successful, to go out to the war in South Africa. The foreign boys take very kindly to athletics, and in ambulance work carried off the challenge shield in a competition with all other boys' brigades. Only a few day ago, in a competition amongst these working boys' clubs in London a Jewish boy named Abrahamovitz (a

foreigner) pulled off the first prize for being the best all-round athlete. That was in competition with all the clubs, both Jewish and English."¹

Abrahamovitz gained the silver medal for the best individual gymnast among all the boys' clubs in London three times, and on more than one occasion in the gymnastic competition organised by the Federation of Working Boys' Clubs the Jews have carried all before them. Jewish teams have been the finalists, and on one occasion so marked was the superiority of the Jewish lads in the competition for physical exercises that no other clubs competed. The second and third generation are making very rapid strides in gymnastics, athletics and the sports beloved of the English. On the occasion of the initial appearance of a conforming Jew in first-class cricket, Mr. M. J. Susskind, of Cambridge University and Middlesex, one of the Jewish papers gave a list of members of the faith who had distinguished themselves as athletes. They included several public school cricketers, football players and athletes, and international football players, including Mr. Raoul H. Foa, who captained the Welsh team; Mr. N. M. Cohen, who twice won the Thames punting championship and threw the hammer for the Light Blues against Oxford; Mr. Sidney Abrahams, Light Blue athlete, who also gained Olympic honours; Mr. Edgar Seligman, the fencing champion and Olympian; Mr. Platnauer, who gained the gymnastic champion-

¹ Min. 18,274.

ship in 1885; and Mr. Lawrence Levy, now a grandfather, who has been journalist, schoolmaster, choirmaster, political lecturer, amateur champion weight lifter, Olympian (at Athens), and for many years the very life of the Amateur Gymnastic Association. Swimmers and boxers are numerous. Jews have won the Christmas competition in the Serpentine, Hyde Park; there is Jabez Wolffe, the Channel swimmer; and mention was made of a Jew who captained the Leeds Y.M.C.A. swimming team! The boxers mentioned include Mat Wells, an old Jews' Free School boy, who won the ten-stone amateur championship four times, and entering the ranks of the professionals, recently defeated Welsh for the light-weight championship; Vanderhout, a double winner of the ten-stone amateur championship; and Bowman, who, in 1889, won the heavy-weight championship.¹ The minor professional pugilists include a number of Jews, as a visit to Wonderland in the East End will quickly prove. The same issue of the paper contains an interview with Professor Marquis Bibbero, the famous swimmer, who died in 1910. An alien by birth, he was brought to England at the age of three months; as a child he won swimming prizes, including, to the indignation of his father, a pig, for walking the greasy pole! He was swimming instructor to J. B. Johnson, trainer to Captain Webb, and celebrated his eighty-fourth birthday in 1908 by a swimming display from a raft

¹ *Jewish World*, August 6th, 1909.

at Dover. Also, in the same issue of the journal, four columns are devoted to the doings of the Jewish Lads' Brigades in two camps, at Deal and Heysham. The *Jewish Chronicle* devotes a weekly column to athletics among the lads and the girls in the community. There is a Jewish Athletic Association in London, and at the distribution of prizes two years ago the Mayor of Stepney, the Hon. Harry Lawson, M.P., stated that the members were always holding their own against any section in the country.¹ Mr. H. J. Ginsburg, the proprietor of the *Jewish Express*, a Yiddish newspaper, was a noted athlete in his young days at Leeds, and as an amateur trapezist was known at galas as "The Man with the Iron Jaw," his great feat being to swing a man from his teeth.

Mr. James Watson, the headmaster of the Leylands School, Leeds, did not give evidence before the Commission. Had he done so, he would have been even more enthusiastic than his London confrères. I know the Leylands School well: I was born close to it, and was a pupil teacher for a few months within its classrooms. A quarter of a century ago and more, its reputation was not of the best. Now, not only does it hold the world's record for attendance; it has become the show school of England. It is visited annually by educationists from all parts of the world who marvel at the bright, happy and clean appearance of the children—a collar was a novelty in the old

¹ *Jewish Chronicle*, January 22nd, 1909.

days—at the perfection of discipline, at the enthusiasm of the scholars, all Jewish, and at the genuine reciprocal love and affection existing between them and their Christian headmaster. In a communication to me, dated March 2nd last, Mr. Watson thus summarises the characteristics of his scholars:—

“English-born children of foreign parents.—There is physical assimilation to the Anglo-Saxon type; many have fair hair and blue eyes, and are unlike their parents. They take infinite delight in playing English games. Their patriotism, as evidenced by their profound interest in national affairs and their keen enjoyment of books relating to the great deeds of the makers of the Empire, is very pronounced. They have a great desire for knowledge and appreciation of English literature. They are most amenable to discipline, not from fear of punishment, but owing to the possession of a nature responsive to appeals on high moral grounds. They are frugal, but generous, their enthusiasm is unbounded, and they are the most respectable and courteous children I have met.

“Foreign-born children.—At first suspicious, but this vanishes as soon as their confidence is gained. Very affectionate and grateful. Their rapid acquirement of the English tongue is marvellous. Last year one of my Austrian-born scholars won a scholarship: he had only been in the country about five years, yet for the latter half of the period, he was the best scholar in the class. He is now the first boy in his class at the Secondary School. They emulate the foremost children in cleanliness, alertness and diligence.

“Both classes have stronger powers of adaptation and application than English children I have met.”

The Leylands district has been overwhelmed in the past few years by a vast improvement scheme

Streets have been demolished and there has been wholesale migration ; the change is having its effect on the school. No man is held in higher esteem by the Jews of Leeds than Mr. Watson who has carried his influence into the homes of his pupils, into their after-school life, and into the lives of their parents.

Dr. J. Loane, who had been Medical Officer of Health for Whitechapel from 1883 to 1900, spoke highly of both children and parents :—" We can find no better citizens than these people after they have been here a few years. The children grow up and become educated, and fine healthy children, as bright as can be ; they are the brightest children we have, and the parents are much better. I could show you some of those who have been here for, perhaps, six or seven years, and their rooms are a very pattern of cleanliness and neatness." ¹

Mention is made by the schoolmasters of patriotism, and a visit to the " Jewish " schools on Empire Day would be a revelation. If the South African War is regarded as the supreme test of loyalty, the Jews emerge from the ordeal with flying colours. The Commission was told of Jews, some of foreign birth, who served in that campaign : this is significant in the face of the oft-reiterated accusation of cowardice against the Chosen Race, many of whose members scurry from Russia to avoid what they deem worse than the plague—conscription. Including Colonials, some

¹ Min. 4,577.

2,000 Jews served in South Africa, and in the vestibule of the Central Synagogue, Great Portland Street, London, W., is a tablet, unveiled by Earl Roberts on March 19th, 1905, to the memory of 114 known Jews from England who lost their lives in the British Army in the Boer War. Every year at the Festival of Chanukah, which commemorates the deeds of Judas Maccabæus, a military service is held at this synagogue which is filled with men and lads in uniform—soldiers, sailors, marines, Territorials, members of Boys' Brigades, and Boy Scouts. At the high festivals, Jewish soldiers and sailors are seen in the synagogue; recently a naval petty officer, in his uniform, was married at the Great Synagogue; and a Jew was among the victims of a gunboat disaster some few years ago. General Sir R. Baden-Powell testified to the pluck of the Jewish soldiers in South Africa in a speech at a Jewish Lads' Brigade display at Queen's Hall, on January 22nd, 1910.

The London County Council agenda of February 1st, 1910, mentioned the retirement, after thirty-one years' service in the Fire Brigade, of Supt. W. T. Emanuel, a Jew, who held the King's police medal and the medal for extraordinary bravery at fires.

Apart from proving how thoroughly the English Jew has been absorbed into the national life, all this is not without its influence on the foreign parents. Very few Jewish children, even those brought from abroad at an early age, speak

Yiddish. This is not Hebrew, but a jargon, based mainly on old High German, and plentifully seasoned with Russian, Polish, and even English words, according to needs and to *locale*. The children hate the language and discourage its use among their parents. Those who stubbornly maintain that the East End is a foreign town comparable with Warsaw and Cracow know neither the East End, nor Russia or Galicia. In Austrian Poland Jewish children speak Yiddish, and frequently know no Polish. My experience of Russia is limited to a visit of a few days—the Russian Consul-General in London having refused to *viser* my passport, I took a great risk in entering the country and had to be cautious—but in Warsaw, Lodz, and a couple of the smaller towns, I heard mainly Yiddish falling from the lips of the children. In London, Leeds, Manchester, it is most emphatically not so. Few Jewish children in England write Yiddish; fewer still are to be seen reading a jargon sheet. Two or three Jewish newspapers are printed in London, but he would be a bold man who would dare predict any future for the language in England. So great an authority as Herr Reuben Brainin, one of the foremost Hebraists of the day, has given his opinion to this effect.¹

All attempts to establish a permanent Yiddish theatre in London have failed. The Jew is an enthusiastic playgoer, and the young foreigner

¹ *Jewish World*, February 18th, 1910.

regards a visit to a theatre or music-hall as helpful to a study of the English language.

Difference of religious view can no more form a chasm nowadays among a really free people than can political distinctions. The vast majority of Jews in this country cannot resist Anglicisation if they would, and they have no wish to do so. Their whole education is English—the code at the “Jewish” schools is the same as at the others—and practically the whole of their reading is English, Hebrew being used for prayer only and mostly without the words being understood. I may adduce interesting proof. Under the *nom de plume* of “Aunt Naomi,” Mrs. Landa has conducted children’s columns in both the *Jewish Chronicle* and the *Jewish World*. She has received hundreds of letters from Jewish children all over the United Kingdom. Almost invariably they have breathed sentiments garnered from English books; not a few have unconsciously perhaps, revealed a certain Christological tendency. Foreign-born children have taken a pride in displaying their English knowledge. Only in recent years has a desire been manifested to teach Jewish children the history of their own people and imbue them with a love of their own beautiful Hebrew literature, and this is being done through the medium of the English language. Children were unaware of the store of Hebrew legend until it was unfolded to them in English. The Jewish Historical Society of England conducts its

meetings and prints its transactions in English. Mr. Elkan N. Adler, a profound scholar and brother of the Chief Rabbi, affirmed in his presidential address to the Union of Jewish Literary Societies in 1909, "the Jewish literary output must, in the future, inevitably tend to be in the English language."¹ This is no phenomenon; it is the natural corollary to the increase of English-speaking Jews the world over; their number is estimated by Mr. Adler as exceeding two millions. Language is an invincible influence. The Jewish community in England presents ample proof. Except in a few synagogues, the sermons are delivered in English. The demand for the greater use of the vernacular in the services is steadily growing, despite the efforts that have been made to revive Hebrew as a living language. The conference of Jewish ministers in London, in December, 1909, was conducted in English.

The results are not to be under-estimated. They are accompanied by more direct incentives to Anglicisation. The desire for naturalisation is keen in the extreme, and finds its expression in the number of clubs and organisations which enable the coveted certificate to be obtained by payments in instalments. Anglo-Jewish friendly societies abound; a more pronounced interest is taken in English politics and national and local

¹ The address is printed as an introduction to a volume of essays issued by the Union, "Aspects of the Hebrew Genius."

affairs than in communal work, even by many who regard it as a misfortune that they were born abroad. The eager Anglicisation of those who were brought to this country as children is, indeed, the most marked feature of Anglo-Jewish life. It is reflected in the records of the schools and the Universities. Mr. Selig Brodetsky, bracketed Senior Wrangler in 1908, was born abroad; numbers who have gained distinction in public life, who have thrown themselves heart and soul into many movements making for betterment, and have assisted in the advancement of science, art and literature, as well as commerce, would in all probability not have been admitted into the country had an Aliens Act been in force thirty years ago. The average Jew is no more aloof from the national life than is the Nonconformist or the Catholic. He shirks not his duties, nor his responsibilities in any way. He is inspired by the highest motives to prove himself a worthy citizen of the land which has enabled him to realise the true Jewish ideals of peace and freedom. If he frequently Anglicises his unpronounceable name, he does no more than the descendants of Huguenots have done. He displays many of the characteristics of those earlier aliens that have won unstinted praise. Dr. Cunningham mentions *émigrés* of title who cleaned windows, sold coals and acted as waiters when they found refuge in England.¹ I know of a German—not a Jew—expelled by

¹ "Alien Immigrants to England," p. 259.

Bismarck, who was a waiter in London, and subsequently held the position of conductor at a West End theatre. Many a learned Jew trained on the Continent for a profession, but not allowed to enter it, has become a workman, a small tradesman, a hawker, here—I knew a Hebrew teacher who sold shrimps on Blackpool Sands—bearing out the words of the late Dr. Herzl, the Zionist leader, to the Alien Commission, perhaps the noblest utterance in the Minutes of Evidence: "I believe young civilisation is made by despairing men."¹ The unimpeachable non-Jewish testimony, that of Mrs. Sidney Webb, Canon and Mrs. Barnett, the Medical Officers of Health, Christian clergymen, schoolmasters, officials, and others who have lived and worked in the East End, stands witness to the introduction of a higher, not a lower standard of living.

The charge of alienage is not levelled at Christian aliens. They intermarry with native Gentiles and are thus held to cast aside all undesirability. Nevertheless, they have not escaped censure. Italians, in particular, roused anger in the early stages of the campaign. But they, too, have come under the beneficial influence of English sanitary laws. The Italian who was wont to concoct ice-cream in his bedroom in "Little Italy," in Saffron Hill, has disappeared. The Holborn Borough Council has seen to that. And a greater evil has been wiped out. Years ago

¹ Min. 6,488.

large numbers of Italian boys, lustrous of eye, were to be seen in the streets playing accordions and begging: often they were accompanied by wretched-looking monkeys. They were the victims of the vile *padrone* system of exploitation. They were picked up in the villages of Italy and brought over by men who lived on their earnings and ill-treated them. It needed no Aliens Act to put an end to this traffic. The School Board inspectors swooped down upon the *padrone*, and the lads, having to go to school, were no further use to them. Representations were also made by the priests and others to the Italian Government, and the emigration of the children was stopped.¹ The picturesque Italian accordion boy and lad who is still to be seen in Paris and Brussels importuning the loungers outside the restaurants to purchase some gaudy trinket which he naïvely declares is worth a milliard francs, but which he sells for two sous, has vanished from the English streets.

¹ *Daily Mail*, June 6th, 1905.

CHAPTER VII.

CRIME.

WE are all anti-aliens where the criminal is concerned. There is common ground in the desire to frustrate the entry of evil-doers and ruthlessly to expel those who have secured admission. But there are divergencies of opinion as to the means to be employed to gain the end. Those who have given careful thought to the matter cannot but see that the real gravity of the problem is the difficulty of detecting the criminal at the ports; those whose sole conception of the alien question is summed up in vehement condemnation refuse to admit difficulties. They fondly imagine that a change in Government which would place in command of the Home Office a Minister avowedly an exclusionist, would confer upon the officials the power of discriminating between the honest immigrant and the criminal, the embryo as well as the expert. Others go further still and unhesitatingly condemn all as criminals. Their ethics found expression in some verses in *The People*, in February, 1909, after the Tottenham "terrorist" outrage, written over the name or *nom de plume* of a lady, and described by

Mr. "Will Workman" as a "rousing patriotic poem." Two stanzas ran :—

"Be he Russian, or Pole, Lithuanian or Jew,
I care not, but take it for granted
That the island of Britain can readily do
With the notice: 'No aliens wanted.'

"I would give them one chance—just one week to clear out—
And if found in the land one hour later,
Then—death without trial or fooling about,
Whether Anarchist, banker, or waiter."

Such a delectable humane suggestion is beneath contempt. Unfortunately some such sort of idea is regarded as "patriotism" by sundry personages, who are unaware of the fact that the alien criminal is an awkward problem in all countries. But the prevalence of the English blackmailer and swell mobsman on the Continent does not simplify the solution here. The difficulties confronting our police were brought to the notice of the Alien Commission by three such experts as Sir Edward Henry, the present Commissioner of Metropolitan Police, Sir Edward Bradford, his predecessor, and Sir Albert de Rutzen, the Bow Street magistrate. All three agreed that it would be impossible to keep the criminal out,¹ and Sir Edward Henry mentioned an unpleasant experience :—

"We had a wireless message giving very specific details and description of a person, and of his luggage, and saying his luggage would contain very valuable

¹ Mins. 23,597, 23,619, 23,630.

bonds that he had carried away. We searched his luggage, and he proved to be an official of very high rank, and I had to go and make the most abject apology to him.”¹

All three agreed that the only efficacious method would be to deport the criminal when caught and sentenced, and this provision is one of the features of the Aliens Act with which no one cavils. Nor is there any objection whatsoever to the provision for the exclusion of known criminals. But although this exists, it has not yet succeeded in keeping out a single person. The same difficulty besets the path of the American police, as was pointed out by Sir Kenelm Digby in his memorandum to the Commission's Report. He drew attention to the fact that only twenty convicts were debarred from entering the United States in three years out of more than a million and a half alien immigrants who arrived. Sir Kenelm declared that “the infiltration of the criminal element takes place through channels entirely different from those through which the great tide of immigration from Eastern Europe flows.”² That the very people who ought to be excluded are those who would have no difficulty in forging or obtaining certificates of good character is shown by a case in West Ham Police Court, on January 24th, 1905, when a pensioned German ex-detective, with twenty years' service to his

¹ Min. 23,595.

² P. 45.

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credit, was sentenced to six weeks' hard labour for keeping a disorderly house.

The Alien Commission declared that there had been a "substantial increase in offences committed by aliens, both absolutely and relatively to population" (par. 120), and the figures then showed this to be the case. But since that time, there has been a most marked improvement, as the latest statistics conclusively prove. The whole of the figures are set out in the last annual Report on the Aliens Act :—¹

		Total of Prisoners.	Aliens.	Percentage of Aliens.	Deporta- tions.
1893	..	151,462	1,982	1'31	
1894	..	155,132	2,141	1'38	
1895	..	143,441	2,045	1'43	
1896	..	149,000	2,174	1'46	
1897	..	148,962	2,264	1'52	
1898	..	158,323	2,519	1'59	
1899	..	154,754	2,437	1'57	
1900	..	146,317	2,761	1'89	
1901	..	162,823	3,101	1'90	
1902	..	171,088	3,845	2'25	
1903	..	188,678	4,099	2'17	
1904	..	198,395	4,396	2'22	
1905	..	196,168	4,088	2'08	
1906	..	183,773	3,399	1'85	287
1907	..	174,631	2,799	1'60	306
1908	..	184,708	2,999	1'62	319
1909	..	182,820	2,329	1'27	467

[The Report for last year is not yet out, but Mr. Churchill stated in the House of Commons papers, on February 13th and 23rd last, that in 1910 there were only 2,271 alien prisoners, representing less than 1 per cent. of the total.]

¹ Cd. 5,261, p. 62.

These figures refer to England and Wales; in Scotland the largest number of alien prisoners in any year was 392 in 1906, representing '68 per cent. of the total; in Ireland the highest number was 100 in 1903, representing '35 per cent. Both have since shown considerable decreases. Scotland reached its lowest in 1908 with 192 prisoners, or '32 per cent.; and Ireland in 1909 with 43, or '15 per cent. The worst year, it will be noticed, was 1904, just before the passing of the Aliens Act when there was relentless pillorying of alien prisoners in the press, prominence being given to the most trivial cases, such as summonses for obstruction with barrows. And it is not too much to say that special activity was displayed by the police. Commenting on the great improvement in recent years, the last Aliens Act Report states:—

“It is yearly becoming more plain that the expulsion provisions of the Aliens Act—coupled in a remoter degree with the immigration provisions—are having a very decided effect upon the amount of alien crime in the United Kingdom. The statistics of convicted prisoners—though by no means an absolute index to crime—afford the readiest test, and they yield clear indications in that direction. The alien prison population reached its highest point in 1904, having increased with small fluctuations in the years 1895 and 1899 ever since 1893—the first year for which figures are available—and at a greater rate than the total prison population. By 1907, the second year of the operation of the Act, the number of aliens had dropped by 36·33 per cent., and though the total convicted prisoners had also decreased, by 11·98 per cent., the proportion of aliens to the whole had fallen to 1·60

per cent. In 1908 there was an increase of 10,077 in the total number of convicted prisoners, and this was reflected in a slightly more than proportional increase in the number of aliens. This slight check in the decline of alien prisoners was more than recouped in the year 1909, when, with a decrease of 1,888, or 1'02 per cent. in the total number of convicted prisoners, the aliens among them decreased by 670, or 22'34 per cent., and numbered only 2,329, being the lowest total since 1897, and the lowest proportion to the whole for any recorded year."¹

The words of the 1909 Report have an added significance when taken in conjunction with the opinion expressed to the Commission by Sir Edward Henry as to the efficacy of deportation: "You would get rid of all dangerous aliens. It will not be effective probably in the first year or the first two years, but within four years it would be a most effective remedy if applied by the Courts, and we can make absolutely certain if an alien of that kind comes back of establishing his identity at once."² The comment above quoted is in the fourth Report after four years' existence of the Act. Sir Edward based the efficacy of the remedy on its application by the Courts. This gives further point to the complaints made in the Reports of the negligence of judges and magistrates. "The proportion borne by the recommendations of expulsion to the number of convicted alien prisoners," says the Report on 1909, "though rising during the last two years, is still very low—only 18'25 per cent.

¹ Cd. 5,261, p. 52.

² Min. 23, 593.

in England and Wales in 1909.”¹ The neglect of the Courts is most reprehensible, and the blame rests entirely with them. Judges, recorders, magistrates, have been very free with advice and denunciation of late. They have pompously rebuked the Home Secretary and the Government and have called loudly for more drastic legislation, but it is their fault alone that the remedy has not been applied. The Home Secretary cannot act on his own initiative in this matter. He can only make expulsion orders when he is asked to do so by the Courts passing sentence. The Home Office has not failed in its duty as the Courts have. It was stated in the House of Commons on June 14th, 1909, by both Lord Gladstone and Mr. Herbert Samuel, who were then respectively Home Secretary and Under Secretary, that the Courts had been circularised on the matter.

Further, a White Paper giving the piquant correspondence between Lord Gladstone and Judge Rentoul two years ago shows that the Home Secretary was very badly treated. The correspondence arose out of a speech delivered by the judge at Bishopsgate Institute Hall on February 10th, 1909, in which he referred to the aliens who had come before him that day at the Old Bailey. His words led to an outburst against the Home Secretary in the House of Commons, and Lord Gladstone invited the judge to make “observations.” Judge Rentoul did not emerge either

¹ Cd. 5,261, p. 53.

triumphantly or gracefully from the controversy. He stood accused of exaggeration, and the Home Secretary expressed regret that he did not recommend more of the convicted aliens for deportation. His excuse was painfully lame. "I was reminded (he said) that they would probably return to this country second-class, so that the order might turn out to be practically useless." It is startling logic for an occupant of the Bench. Applied to the treatment of criminals generally, it means that most sentences are useless, that the whole system of punishment is a fraud. One would have thought that so opinionative a person as Judge Rentoul would have been glad to have thrust the responsibility on the Home Office, but seemingly he could not resist the temptation to express himself forcibly. The correspondence stands as a reminder not only to him, but to other dispensers of justice who would blame the Government for their own dereliction.

His querulous excuse that the deported criminals return is not borne out by the statistics. In the first four years 1,378 expulsion orders were made, and only 64 of the prisoners, or slightly more than 4 per cent., were found to have returned. On arrest they were disposed of in no half-hearted fashion; 48 received sentences of imprisonment for the offence of returning, and 15 received sentences for other offences of so substantial a nature as to render separate sentence for the contraven-

¹ No. 63, p. 5.

tion unnecessary. The remaining prisoner was discovered to be not an alien. In two cases the aliens had returned a second time, and in one case a third time.¹ The expulsion orders, of course, remain in force, to be carried out after the additional term of imprisonment has expired. A few of the expulsion orders are made in respect of persons in receipt of poor relief. There are those who advocate immediate expulsion without incarceration, on the ground that it would save the cost of keeping these undesirables in our too comfortable gaols and prisons. It is a counsel of perfection which fails to comprehend the criminal character. The alien who has been banished from our shores takes a risk in returning, but the whole life of such a malefactor is fraught with risk, and an additional one which did not carry discomfort with it in the shape of imprisonment would be laughed to scorn. It would but add zest to a career of excitement in which cunning and devilry are matched against might and right.

The laxity of the Courts is a serious matter, all the more because those who escape deportation are the American criminals. It is a disconcerting fact that whilst public and police attention is focussed on the Continental desperado, the American miscreant is overlooked, although he provides the largest section of our outlander criminals. The statistics laid before the Commission and mentioned in the Report showed that

¹ Cd. 5,261, p. 52.

the Americans comprised $23\frac{1}{4}$ per cent. of the alien criminals in the five years 1899 to 1903; the Germans came next with 19 per cent., followed by Russians and Poles with 17 per cent. (par. 112) Later figures indicate that this was not a temporary condition. On a certain day in each year a census of prisoners is taken, and the following table is compiled from the annual Reports on the Aliens Act in which the details are published:—

	Total alien Prisoners.	Americans.	Germans.	Russians and Poles.
1907 (Jan. 22) ..	505	124	102	96
1907 (Dec. 31) ..	400	107	78	65
1908 (Do.) ..	405	85	80	68
1909 (Do.) ..	375	106	82	52

[At the end of last year the total number in prison was 370 according to a statement made by Mr. Churchill on February 23rd, but the analysis of the nationalities had not then been made.]

Americans in the above table hold the lead each year. Their preponderance is infinitely greater than shown by the table, when it is remembered that at the 1901 census the Americans constituted but 6 per cent. of the alien population, compared with Russians and Poles 33 per cent., and Germans 17 per cent. Yet the number of deportation orders against the Americans is absurdly small. In the four years 1906 to 1909, only 48 American criminals were ordered to be expelled, while in the same period 422 Germans and 266 Russians and Poles were banished from the country. The

disparity is astounding, and is only partially explained by the circumstance that American names are not outlandish. But the comparative immunity which the American criminals enjoy would be ended if, as the Report for 1909 pertinently observes, more pains were taken by the courts. The more the statistics are analysed the more serious does the American list present itself. For the first time in the Report on 1909 a table is given of the nationalities and offences of aliens convicted in the year. Unfortunately, information is lacking as to the nature of the sentences passed upon the subjects of the different countries. These particulars should be given, for they would enable us to see which of the nationalities are responsible for the more serious crimes. The table which is given is informing as far as it goes. An analysis yields the following results :—

Of a total of 2,590 received into the prisons in the United Kingdom, the biggest contingent came from America, viz., 622, of whom 84 were women. Russia and Poland were responsible for 517 (42 women); Germany for 455 (including the largest number of women, 96); Norway for 305 (20 women); Italy for 225 (7 women); and France for 169 (59 women, being the greatest proportion). No fewer than 1,011, or nearly half the total, were fined only; whether they went to prison at all, in lieu of paying their fines, is not clear. Here again the statistics might be more explicit. Of the others, 486 were sentenced to

fourteen days or less; 413 to periods ranging from fourteen days to one month; 367 to terms between one and three months; and 124 to periods from three to six months. This leaves but a small number, 189, who received the severer sentences, presumably for more serious crimes: 109 went to prison for periods between six and twelve months, and 54 for periods between one and two years. The remaining 26 were sentences of penal servitude, 2 being for life, 3 for seven years, 1 for six years, 5 for five years, 1 for four years, and 14 for three years. An important point on which the statistics are silent is the previous records, if any, of the prisoners. It is essential that the lacunæ I have indicated should be made good in future Reports.

Analysing the offences, it is found that 793 were cases of "drunk and disorderly," resulting in 616 fines, 127 sentences to fourteen days or less, and a highest sentence of three months. This class of prisoner included 186 Americans, 153 Russians, and 181 Norwegians. The high figure of the Norwegians is probably explained by the large number of sailors provided by this nationality; their presence among the "drunks" would suggest riverside brawls, from which it is reasonable to assume that the majority would be temporary residents. In the other categories, the Norwegians figure in small numbers only. The "drunks" included 85 women, of whom 45

were Americans and 21 Germans. Under the head of "larceny and receiving" there are 442 prisoners; America leads again with 98; Germany follows with 96; and 69 were Russians. Only 27 were women, 12 being Germans. Eight of the penal servitude sentences come under this head. Begging and wandering were responsible for 262, America being to the fore again with just more than half, 132; no fewer than 182 of the sentences were of fourteen days or less. For wounding and assaulting, 253 prisoners were sentenced. Here America yields first place to Russia, which was responsible for 83; subjects of the United States numbered 45. Of the 7 women, however, in this category, 5 were American. Under the unpleasant head of "soliciting and importuning," 182 persons were sentenced; 174 of them were women, 52 being German, 45 French, 24 Russian, and 17 American. Of the total, 81 were fined. Housebreaking and "frequenting" prisoners numbered 117, America taking premier position once more with 47; Russia followed with 22, and Germany with 15. Six of the sentences of penal servitude come under this head. Forgery, coining, false pretences and embezzlement placed 102 in prison; America led with 25, Russia coming second with 22, and Germany third with 20. Six more of the penal servitude sentences fell to this class. For brothel-keeping, 49 persons were sentenced, 29 being men. Germans came first with 19, Russia following

with 13. There were 17 fines, and the severest sentence was six months. Contravention of expulsion orders placed 40 in prison again; Germany provided 19, Russia 6, and America 3. In view of the very small number of Americans deported, the number of returns is high. Sexual offences numbered 45, Russians being responsible for 9, Germans for 8, and Americans for 7. For living on prostitution or by procuring, 32 men were sentenced, 10 being Germans, and 6 French. There were 29 stowaways, 7 being Russians, and 5 Americans. Murder and manslaughter saw but 2 prisoners, a German and a Norwegian; these received the life sentences. There was 1 blackmailer, a German. The remaining prisoners are classified under "miscellaneous."

From whichever standpoint the figures are studied,—from the numbers of the various nationalities or from the nature of the offences,—it is apparent that the Russians, who have to bear the brunt of public obloquy, have a much better record than the other nationalities, who, being fewer in general numbers and more widely distributed, attract less attention.

It may be contended that this list does not necessarily indicate the total amount of alien crime in the country. The same argument can be applied to the statistics of native criminals. Beyond official figures there is but the unsatisfactory realm of vague conjecture, into which it would be both foolish and futile to enter. The law holds all

persons innocent until found guilty, and the danger in the new anti-alien outcry is the tendency to do just the reverse—to regard all foreigners as guilty. The atrocious murder of three policemen in Houndsditch, intensified into a horror of paralysing magnitude by the “siege” of Sidney Street, is a crime which cannot be belittled but need not be exaggerated into a terror. Fortunately such an affair is rare: it calls for new provisions, certainly, but not for unbridled condemnation. It is a manifestation new to England, and is due entirely to the legal and official campaign of crime in Russia which rates human beings as vermin. Also there are mysteries behind the Houndsditch affair which will probably remain unsolved, or, at least, unknown to the British public. Even if our police have been permitted to gain some inkling of the real truth as to “Peter the Painter,” whom many regard as a mythical personage and others as an *agent provocateur* in the pay of a foreign Government, their investigations have been crippled and complicated by the fear of international troubles.

One good result the Houndsditch affair should have, apart from legislation. It has awakened the Courts to a sense of their duty in respect of expulsion. Less ponderous platitude from the bumptious backwoodsmen of the Bench and a stricter application of the powers already in their hands will help materially in reducing the number of alien criminals here; and the public can assist by more practical methods than wholesale

vilification of aliens, of the Home Secretary, the Government and the police. It cannot escape notice that women are associated with alien criminals to an inordinate degree. This leads to the inevitable conclusion that many are engaged in the White Slave traffic in addition to the offences which bring them within the clutches of the law. Of all the vampires of our civilisation none are more difficult to grapple with than the White Slave traffickers. They are among the most cunning and daring men and women on the face of the earth. Our Government, other Governments, have promised to deal with them, and there is a growing desire for international co-operation in the matter. But while brave men and women in various countries are striving their utmost to rescue the victims and save others from falling into their hands, and whilst authorities are cogitating, the White Slave dealer smiles and boasts that he is beyond the law. His organisation ramifies all over the world—from Alaska to South Africa; from Corfu, which is said to be its headquarters, to Buenos Ayres, perhaps its foulest nesting place. He has actually been suspected of masquerading as a delegate at conferences for the suppression of the evil. He has declared that only his myrmidons fall into the hands of the police, that he himself is far too wary even to be known to all who serve him.

The police are handicapped in fighting this terrible evil by insufficient powers and by the lack

of sympathy and readiness to traduce them on the part of the public. Men and women walk the streets at night in London and our great cities and flaunt their profession under the very noses of the authorities, and when an arrest is made the public is more ready to sneer than assist. There was a notorious case in London a few years ago. A foreign woman's arrest led to an outburst against the police. A Royal Commission was appointed to inquire into their conduct, and the lady on whose behalf even members of Parliament had not hesitated to impugn the force did not come forward. By absconding she vindicated the officers.

Merciless warfare is called for against the alien street pest. It is too much to hope that the evil can be entirely eradicated; an implacable campaign, however, would rid us not only of large numbers of the unfortunate women who wallow away their lives in the social cesspool, but of the vile army of the most degraded type of men who lurk in the background. The *souteneur* or the "bully" is the indispensable lieutenant of the sister of the night. People often wonder why these daughters of Eve are invariably associated with men who have lost the certificate of their manhood. They cannot do without them. They need protection, and the greater the brute the better is a man fitted for his special horrible purpose. The *milieu* of his existence is fatal to any sense of shame or decency, to any hope of regene-

ration. From "bully" to blackmailer is but a step; from thence his foul path is marked by all manner of villainies. The idle time on his hands is perforce devoted to practices productive of incalculable ruin. More women—not all foreign—are lured into the ghastly net—men also, and when they work in gangs there is no limit to the crimes committed. The women are often but the dupes of these monsters in human form. Here lies the worst danger of the alien problem: here also is the direction in which it can be effectually attacked. But the police need more drastic powers to grapple with their visible enemy, and they need also not merely the sympathy, but the co-operation of the public.

It is only fair, in view of the attention directed to the Jewish community by the Houndsditch crimes, to point out that crime among the London Jews has considerably diminished during the past few years. Figures supplied in a letter to the press on February 7th last by Mr. Felix Davis, one of the vice-presidents of the United Synagogue, a federation of the leading London Jewish houses of worship, relative to the work of its Prisoners' Aid Society, show that the numbers in the four London prisons of Wandsworth, Pentonville, Wormwood Scrubbs and Holloway have fallen from 717 in 1904 to 358 in 1910. A goodly proportion (nearly half) were imprisoned in default of paying fines or as judgment debtors. Not all, of course, were aliens. The Jewish community has always

shown itself anxious to assist the authorities. The work of Sir George Lewis in connection with the money-lending inquiry is well known ; and if the Jews had Isaac Gordon, the notorious usurer, they also had Sam Lewis, who earned the good opinion of men during his lifetime, although a money-lender, and left his wealth to charities and for the erection of workmen's dwellings. Isaac Gordon was a human vampire, and the community completely ostracised him. No synagogue would accept him as a member, no house would have him as a lodger. He was an outcast. Undeservedly, Jews had to bear a good deal of the odium of the Houndsditch business, but when the awards came to be distributed for brave service in Sidney Street one of the recipients was a man named Levy, who had helped to carry the wounded constable over the roofs amid the hail of bullets from the besieged house.

Above all, there is this. The Blue Book, reviewing the general crime of 1909, took a grave view of the increase in the past ten years.¹ The Aliens Act Blue Book for the same year expressed gratification at the continued and marked diminution in the number of foreign criminals in this country. There is no cause for despair, even for despondency. There is good ground for hope of even better results.

¹ Cd. 5,473.

PART II.—THE REMEDY.

CHAPTER VIII.

LEGISLATION.

WHEN the Royal Commission on Alien Immigration was appointed in March, 1902, cynics declared that this meant shelving the question. On the part of some people it was a fear, with others a hope. An all-consuming restlessness among those who feared that the cynics might be correct led to questions in the House of Commons. The inquiry was prolonged, too long-drawn-out, not only for those who had peremptorily demanded legislation, but for the Commissioners themselves. A strange impatience and a desire to "get it over" prevailed during the concluding stages when the evidence was in the nature of the defence. The Minutes show that witnesses were repeatedly asked to compress their remarks. Yet in the earlier stages time was afforded to witnesses to make appeals to the Commissioners almost after the manner of the addresses of the French generals to the jury in the Dreyfus trial. A Mr. J. A. Kreamer was permitted to deliver

himself of a British Brothers League oration and to protest against the need of a Commission. "I assure you, gentlemen," he said, "if you don't do something this time it will be something more than serious"¹ One of the most virulent of the witnesses was a political agent who was not even an Englishman by birth.² Happily the inflammatory evidence given by sundry irresponsible persons was more than counterbalanced by the unexpected tributes paid to the East End Jews during the first thirty-four days when the "case against the immigrants" was taken; the forty-nine sittings were so divided by a statement made at the end of the thirty-fourth day by Lord James of Hereford, the chairman, but the evidence *pro* and *con* was freely interlaced.

Sir William Evans Gordon shone throughout the inquiry. He did not miss a single sitting, he spent the recess travelling through Russia, Galicia and Rumania, he obtained a statement as to the practice of the American ports, and he displayed exceptional keenness and knowledge. Not only did he hold a brief for the restrictionists, he led the agitation, framed the indictment, applied for the issue of the warrant by getting the Commission appointed, practically got up the case against the defendant, cross-examined with great skill, was himself a witness, one of the jury who drew up a verdict suggesting a very drastic sentence,

¹ Min. 9,699.

² Mins. 5,156 *et seq.*

and finally one of the members of the Court of Parliament which passed sentence. This perfectly legitimate Gilbertian plurality made his impress most marked throughout the hearing and the Report. After examining 175 witnesses and officials, and studying numerous statistics and documents, the Commissioners reviewed the matter to the extent of thirty-nine pages of a Blue Book, and on the fortieth set out "results," which may be summarised as follows :—

"A larger number of aliens have arrived during the last twenty years than before, mostly Russian and Polish Jews; and there seems to be no reason to anticipate diminution in future years under present conditions.

"No case has been established for total exclusion, but in the interests of the State generally and of certain localities, control is necessary over entry and the right of residence, especially in respect of certain classes arriving from Eastern Europe.

"The greatest evils are overcrowding, and displacement of natives in certain districts of London, demanding special regulations to prevent aliens entering congested areas.

"Efforts should be made to rid the country of criminals and other objectionable characters.

"The causes will probably continue, and the evil, unless checked, increase and intensify year by year."¹

Sufficient has already been written in this volume to indicate that the anticipations expressed in the first and last of the above conclusions have not been realised. They were not justified. The lure of America and also of the Argentine was

¹ Cd. 1,741, p. 40.

entirely overlooked ; the fear of intensification of the evil was, in the first place, a direct denial of the powers already in existence to mitigate overcrowding, and in the second, obviously intended to prejudice future opinion. It will be observed, also, control of aliens in the country and not merely exclusion, is suggested. Here the cloven hoof of the anti-alien peeps out from beneath his cloak of " patriotism " : it explains a good deal of the desire displayed by many persons for a return to mediæval conditions. There was general agreement among the Commissioners in designating as " undesirables " :—

1. Criminals, other than political.
2. Anarchists, and other persons of notoriously bad character.
3. Prostitutes, and persons living on the proceeds of prostitution.
4. Persons affected by infectious or contagious diseases.
5. Lunatics or idiots.¹

There is no complaint with this classification. The anxiety is unanimous to keep these persons out of the country. Had legislation been confined to these " undesirables," it could have been passed long ago almost without opposition, and certainly with the full approval and assistance of those who are opposed to indiscriminate exclusion. But the Commissioners laid down recommendations of a

¹ Cd. 1,741, par. 76.

distinctly arbitrary character. Summarised they are as follows :—¹

1. State control of alien immigration in certain cases.
2. Establishment of a Department of Immigration.
3. Correct statistical returns to be secured.
4. Legislative power for—
 - (a.) Regulating immigration.
 - (b.) The appointment of the necessary officials.
 - (c.) Inquiries as to character and condition of immigrant and detention of undesirables.
 - (d.) Provision for the immediate determination of any proceedings before a Court of Summary Jurisdiction on the arrival of the immigrant, pending which he may be placed under suitable charge.
 - (e.) Expulsion, within two years of arrival, of criminals, prostitutes, persons living on prostitution, person of notoriously bad character, and persons becoming a charge on public funds except for reasons of ill-health: order to be made by a Court of Summary Jurisdiction, the owner of the vessel bringing the alien to be compelled to take him away.
 - (f.) International agreements to be respected.
 - (g.) Medical examination of immigrants, those declared unfit to be debarred from entering.
 - (h.) To make refusal on the part of the immigrant to give information an offence.

¹ Cd. 1,741, pp. 40—42.

5. Overcrowding.
 - (a.) Existing law to be enforced with greater efficiency.
 - (b.) Immigration Department to make inquiry as to overcrowding in any area.
 - (c.) To proclaim an area overcrowded by aliens prohibited to new arrivals.
 - (d.) Notice of such action to be given at the ports.
 - (e.) Destination of immigrants to be obtained.
 - (f.) All aliens to be registered, and changes of residence during the first two years to be notified.
 - (g.) Residence in a prohibited area within two years of arrival to be an offence.
6. Criminal aliens to be expelled on conviction at the discretion of the judge.
7. Accommodation on foreign immigrant passenger ships to be regulated.

As if fearing they had not gone far enough and that objections might be taken to their recommendations on the ground that they would not prevent the landing of undesirables, they expressed the opinion that the new measures would deter aliens from coming and would compel the shipping companies to exercise greater care in selecting passengers. Being in a frenzied hurry themselves, they concluded by asking the Government to make haste also and adopt at once such of the recommendations as could be introduced without recourse to Parliament. They did not, however, specify the proposals which might be thus enforced.¹

¹ Cd. 1,741, p. 43.

Of the seven Commissioners, two, Lord Rothschild and Sir Kenelm Digby, took strong exception to all the recommendations but 3, 4*f*, 5*a*, 6, and 7. Sir Kenelm Digby subjected the suggestions to searching and trenchant criticism.¹ He believed them impracticable. He failed to see how the criminal or the prostitute could be excluded at the ports, remarking that certificates of good character could very easily be obtained by these people. The proposal to repatriate a criminal within two years of arrival on the ground that there was "reason to think" he was a criminal before he came, would violate the Extradition Acts and Treaties. He did not see how it was to be ascertained that a person was "likely to become a public charge." Apart from the question of criminality, he submitted that such evils as had been shown to exist, or might reasonably be apprehended, could and ought to be dealt with by less elaborate machinery than that suggested. He pointed out the difficulties and heavy expense of carrying out the proscribed areas proposal, and submitted that the true conclusions to be drawn from the evidence were :—

"That in the East End of London the powers given by the Legislature have never yet been fully exercised.

"That if they were exercised to an extent which is reasonably possible, there is no reason why, notwithstanding the influx, overcrowding should not be brought under effective control.

"That by a thorough and uniform administration

¹ Cd. 1,741, pp. 45—51.

of the existing law the object aimed at in the recommendation of preventing newly-arrived aliens adding to the overcrowding conditions of a district already full would be attained more effectively than by the method suggested of declaring certain areas to be prohibited. There would be the additional advantage that no novel or expensive machinery would be required beyond, what appears necessary, some addition to the number of inspectors."

Sir Kenelm Digby's views, buttressed by all the weight of his experience and of his position as Permanent Under-Secretary at the Home Office, were, in essence, a powerful protest against exaggeration and panic. Lord Rothschild concurred in a short memorandum of his own.¹ Nevertheless the Government of the day introduced a Bill in March, 1904, giving effect to the recommendations of the Commission. Few words need be wasted on that measure. It is extremely doubtful whether there was any serious intention of passing it. Mr. Arnold White let the cat out of the bag in an article on the Bill of 1905 when he wrote: "I understand that after the Government Bill of last year was introduced Ministers were informed by the police authorities that it simply would not work. Hence the reference to a Committee which could be counted on to talk out the Bill."² So that despite their denunciation of the Liberals for killing the Bill of 1904 in Committee, the Conservatives really stooped to

¹ Cd. 1,741, p. 52.

² *Daily Chronicle*, April 19th, 1905.

this method of vicarious slaughter. The proposals of 1904, however, are still regarded by the extremists as embodying the irreducible minimum of legislation necessary. They still hanker after the provisions that were overthrown. One peculiarly offensive feature was that giving power to a common informer to set in motion the law against any alien who within two years of his arrival had ventured to move into a proclaimed area.

The Bill of 1904 was framed after consultation with Sir William Evans Gordon; that introduced on March 18th, 1905, was a measure drawn up after the force of Liberal criticism had filtered into the minds of the Ministry. It differed considerably from its precursor, and indeed from every measure previously devised. It abandoned the idea of the proscribed area, rejected registration of alien inhabitants, and set up Appeal Boards at the ports with the power to revise the decisions of the immigration officers. The Salisbury Bill of 1894 did not provide for appeal against the inspectors. A measure outlined by Mr. Arnold White in his book, "The Modern Jew,"¹ also left the power with the inspectors, but gave to each port a Jewish assessor who was to decide whether an immigrant of his faith was a religious refugee. The text of a Bill drafted by Mr. Mead, the London Police Magistrate, and submitted to the Alien Commission, placed the

¹ P. 195

decision with the Courts before which the inspectors were to bring the immigrants they proposed to exclude.¹ This suggestion formed the basis of one of the recommendations of the Commission, but was not included in the Bill of 1904, which thrust upon the Home Secretary the burden of confirming or cancelling each decision of the inspectors. Mr. Asquith, who had held the position of Home Secretary, saw the absurdity of this provision, and indeed throughout the agitation and the debates his speeches showed a close grasp of the administrative problem involved, and of an understanding of the whole question.

Answering a trade union deputation as far back as January 16th, 1895, when he was Home Secretary, he regarded alien exclusion as a retrograde policy: it was Protectionist. Again, speaking at Lowestoft on December 1st, 1898, he declared that from century to century some of the most valuable and vitally-fertilising ingredients in our social structure had come to us by refugees from abroad. He always maintained that labour would not benefit by restriction, and one of the most significant circumstances in the history of the question was the revulsion of feeling in the Labour ranks. In the early days, the trade unionists were among the advocates of exclusion; when the Bills of 1904 and 1905 were before Parliament, the Labour members were among the strongest in their disapproval. They were against

¹ Cd. 1,742, p. 358.

both Bills to a man. Mr. Keir Hardie, speaking in the House of Commons on May 2nd, 1905, during the Second Reading of the measure of that year, termed the Bill "fraudulent, deceitful, and dishonourable," since it would not help the British workman, as contended. Mr. Will Crooks, on July 3rd, declared it a sham; and speaking on the audacious amendment to the Address moved in February, 1906, by Sir William Evans Gordon, who impeached the Liberal Government for not proposing to do what his own party had failed to do the previous year, viz., make provision for the exclusion of alien blacklegs during strikes, he bluntly dubbed the Act as "an absolute fraud." The Labour Party resented the protestations of friendship to the working man, and the frankly Protectionist tone adopted by many of the Unionists strengthened their opposition. Mr. Chamberlain, on the Second Reading, brushed aside the objects of the Bill with regard to undesirables; to him it was a first step in the direction of Fiscal Reform. To this Mr. Balfour curtly replied, on May 10th, that he did not see what the exclusion of lunatics had to do with the fiscal question. Long before then, the *Spectator* was perturbed, asserting that the alien cry was "the demand of certain London workmen for protection against foreign rivals."¹

Many and varied were the views as to the objects and scope of the Bill which the Government

¹ December 12th, 1903.

was determined should pass in the Session of 1905. The opinions expressed in Parliament were kaleidoscopic in their shifty transformations. The Bill was a kind of legislative patent medicine for the cure of all varieties of ills, imaginary as well as real. There never was such diversity of unanimity on the Unionist Government benches. Mr. Akers Douglas, Home Secretary, on July 27th, said his idea was to exclude certain aliens in bulk. Mr. Balfour, Prime Minister, on the other hand, asked the House to remember, on July 10th, "that the great mass of alien immigrants was not touched at all. Those who were kept out were but a small number, and they were kept out solely because they were likely to become a burden upon the country if they were allowed in." Mr. Akers Douglas, on July 19th, had to admit that a criminal who could pay a higher fare for his short sea passage from the Continent—a matter of a few shillings—could easily enter the country. Also, on July 3rd, to the consternation of those palpitating with frenzied eagerness to speak of a great achievement to the working classes, that there was "no desire to keep out an alien able to maintain himself and live up to the public health requirements, simply because he might compete with the labourers of this country." The exclusion of the most able, bodily and mentally, has unquestionably always been a strong desire on the part of many; and on the very day on which Mr. Akers Douglas made his admission another

member mentioned the interesting case of one of the steadfast supporters of the Bill who had himself arrived friendless on a tramp steamer and had risen to honour, position, wealth, and a title ! The reference was to Sir Robert Ropner, Bart., a German by birth, whose career is one of the romances of industrial success. The late Mr. Ritchie, who had been President of the Board of Trade, President of the Local Government Board, Home Secretary, Chancellor of the Exchequer, and an East End member, admitted plaintively on June 28th that it had been his fate more than once to attempt to deal with the question, but he had never been able to feel satisfied with any Bill because of the enormous difficulties in the way.

But those who were overjoyed with the prospect of a Bill becoming law at last, were exercised by no such considerations. To them the new measure did not go far enough. It had been emasculated, and they endeavoured to re-introduce some of the proposals of the 1904 Bill. Their idea was to get as penal a law as possible on the Statute Book and leave the rest to chance. They appeared to think—they are of the same opinion now—that the only thing necessary was to get an Act, and then, by waving it with sufficient vigour in the face of all aliens who landed from a ship, to ensure the exclusion of every person to whom they took an objection. They were not troubled by definitions or doubts. They had but one definition, “all

aliens are undesirables"; they had no doubts, only desires—to exclude and to expel. They did not trouble to understand the measure they were passing; they have not bothered to do so since. And therein lies the secret of a great deal of the nonsense talked in the name of criticism and in the way of condemnation. There was not much difficulty in getting the Bill of 1905 passed into law. The Government, although violently racked by internecine strife—"Unionist disunion" was a standing headline in some of the Conservative newspapers—was agreed upon the alien question, and the guillotine was put into action to curb Liberal discussion of the Bill, although that was mainly directed towards securing satisfactory methods of administration and procedure, and towards the safeguarding of the right of asylum for political and religious refugees.

One delightfully humorous interlude was the debate on the words "conditionally disembarked." Mr. Gibson Bowles dragged a big dictionary into the House, and the Home Secretary and the Attorney-General, Sir Robert Finlay, were nearly driven frantic by the endless meanings flung at them. Mr. Leif Jones caused roars of laughter by showing that an amendment by the Home Secretary made Clause I. read that an alien should not be landed until he was inspected on shore! To add to the confusion that night in Committee, June 28th, the Irish members discovered that an Irishman who had emigrated to America and had become

naturalised there would be an alien on returning as a steerage passenger even on a visit. These little matters had to be satisfactorily adjusted. The term "conditionally disembarked" (for the purpose of examination) was introduced into the Act to prevent application for a writ of *Habeas Corpus* in respect of an alien who has once been allowed to step on shore. This difficulty once engaged the attention of the American Courts. Technically an alien is not "landed," although he may walk from the ship to the Immigration Board Room, or be conveyed thither in a vehicle. Apart from this and the addition of words to the refugee clause to make its meaning unmistakable, the amendments were unimportant, and the Bill became an Act. It was rushed through the House of Lords, for time was precious, and received the Royal Assent on the day before the prorogation of Parliament.

There were at the time twelve Jews in the House of Commons, eight of them on the Government side. Of the four Liberals, Mr. Herbert Samuel, Mr. Stuart Samuel (his brother), and Sir Maurice Levy vigorously opposed the measure. The remaining member of the quartette, Sir Rufus Isaacs, although less active in his opposition, was also against the Bill. Of the eight Conservatives, only the Hon. Walter Rothschild went against his party. The other seven obeyed the Whips. They included Mr. Benjamin L. Cohen, one of the leaders of the community, and a past president

of the London Jewish Board of Guardians. He voted in favour of an amendment in respect of refugees, but beyond that he was with the exclusionists, and was rewarded with a baronetcy at the dissolution. His action undoubtedly influenced the Government in resisting the representations made by the Jewish community. The Jews, despite the assertion often made that they wield a tremendous influence, were powerless to prevent the passing of the measure, or even to secure certain amendments. Lord Rothschild himself headed an influential deputation to the Government in 1904, and it is not improbable that the wholesale objection he took to the Bill of that year had some effect. But, as pointed out, there is good ground for doubting the seriousness of the Government with respect to that measure, and the damaging criticisms of Mr. Asquith, Sir Charles Dilke and other prominent Liberals carried greater weight. Moreover, although the Jewish community was invited both in the House of Commons and out of it to assist the Government, suggestions made by the Board of Guardians were not accepted.¹ The Jewish Board of Guardians was nevertheless requested to nominate four members to the London Immigration Board, and did so.

The Aliens Act of 1905 differs from all previous measures of the kind passed in this country in the abandonment of the passport system, registration

¹ "The Jewish Board of Guardians, 1859—1909," by Laurie Magnus, p. 107.

and licence; in its declaration of the right of asylum; and in differentiating between steerage and other passengers. Also, unlike all its fore-runners, with the exception of the Acts of 1826 and 1836, it is a permanent and not a temporary Act. It prohibits the landing of undesirables, gives power for their expulsion, establishes a system of furnishing returns of aliens who land or embark in the United Kingdom, and throws great responsibility on the masters and owners of ships.

Section 1 prohibits immigrants landing from an immigrant ship except at a scheduled port and save by leave of the officer, after inspection by him and by the medical officer. Refusal of leave to land may be appealed against by the immigrant or the master, owner or agent of the ship, the appeal to be heard by the immigration board of the port. Undesirable aliens are defined as follows: Those who cannot show themselves in a position to obtain the means of *decently*¹ supporting themselves and their dependants; lunatics, idiots, persons suffering from infirmity or disease likely to make them a charge upon the rates "or otherwise a detriment to the public"; persons sentenced in foreign countries for non-political crimes; and persons against whom expulsion orders have been made under the Act. Reservations give entry to refugees; to persons who,

¹ Round this word controversy was waged in Parliament. Mr. Haldane Porter, now Chief Inspector under the Act, also laid stress on it in the *Pall Mall Gazette*, May 3rd, 1905.

having left this country after six months' residence, have been refused admission to another country ;¹ and to any person lacking in means " who satisfies the immigration officer or board concerned with the case that he was born in the United Kingdom, his father being a British subject." This curious phrase has puzzled the legal writers on the Act ; their opinions are dealt with in the chapter on the " Status of the Alien." A sub-section exempts immigrant ships if the Home Secretary is satisfied or has received security that undesirables will not be landed except for the purposes of transit : this exemption may be withdrawn at the discretion of the Secretary of State. Landing in contravention of the Act is an offence not merely on the part of the immigrant, but also of the master of the ship who permits it.

Section 2 refers to the immigration boards which are to consist of three persons selected from a list of those who have " magisterial, business, or administrative experience." Suffragists may be interested to learn that there is no mention of sex, so that women would appear to be eligible to serve on the boards. None, however, have been appointed. Sub-section 2 empowers the Home Secretary to make all rules necessary for the working of the boards ; among them the immigrant must be informed of his right to appeal

¹ Mr. Churchill stated in answer to a question on March 1st last that this exemption has never been operative owing to the bond given by shipping companies not to bring undesirables.

and of the grounds on which leave to land has been withheld.

The third section refers to the expulsion of undesirables. The Home Secretary alone has the power to make an expulsion order, but only "if it is certified to him by any court" that the alien has been convicted. Expulsion orders may also be made against persons in receipt of parochial relief carrying with it disfranchisement,¹ persons found wandering without ostensible means of subsistence, persons "living under insanitary conditions due to overcrowding," and persons sentenced in foreign countries for non-political crimes who have managed to evade the inspectors at the ports. In each case the initiative must be taken by a Court of Summary Jurisdiction. With respect to this section, it is pointed out by two legal writers that as living under insanitary conditions due to overcrowding is not a misdemeanour, "it clearly infringes the principles of the Common Law and Magna Charta that a person should be liable to be sent to prison without being charged with committing a crime." This, it is remarked, is likely to occur till the question of the expulsion of such persons is settled by the Home Secretary.² The same writers state that to make an alien liable to be expelled because he has previously undergone sentence in another

¹ This is a strangely worded provision inasmuch as an alien has no vote.

² "The Aliens Act," by N. W. Sibley and Alfred Elias, p. 71.

country for an extradition crime seems to infringe the maxim, *Nemo bis punitur pro eodem delicto*, "No man shall be twice punished for the same offence."¹ Another legal writer points out that if the sentence has been passed after the alien has left the foreign country, the proper course would seem to be to take extradition proceedings.²

There is evidence of careless drafting in this most important section. The persons liable to expulsion are classed under (a) and (b), and the two divisions are bound together by the word "and" instead of "or."³ It is open to argument from this that no person is liable to expulsion unless he is both (a) and (b)—that is a convicted criminal, *and*, not *or*, a person who has received parochial relief, &c.

Section 4 provides for the payment by the Home Secretary, if he thinks fit, of the expenses of expulsion; also the shipping companies are compelled to give free passages to aliens expelled within six months of their arrival and refund to the Home Secretary any expenses incurred. Failure to comply constitutes an offence.

Section 5 provides for the furnishing of information by the immigrants and the masters of vessels. Failure to do this, or false information is liable to be punished with imprisonment for a term not

¹ *Ibid.* p. 68.

² "Law of Aliens and Naturalisation," by H. S. Q. Henriques, p. 163.

³ See text of the Act, Appendix, p. 302.

exceeding three months with hard labour. The Secretary of State may exempt any special class of passengers, or ships, or ports.

Under Section 6 the Home Secretary is empowered to appoint and employ the necessary officers, pay their salaries "out of moneys provided by Parliament," and may arrange for the employment of customs and port sanitary officials. He must also specify the ports. Those at present scheduled as immigration ports are Cardiff, Dover, Folkestone, Grangemouth, Grimsby, Harwich, Hull, Leith, Liverpool, London (including Queenborough), Newhaven, Plymouth, Southampton, and the Tyne ports (Newcastle, North Shields, and South Shields).

Section 7 specifies the punishment of masters of vessels as a fine not exceeding £100. Alien immigrant offenders are to be dealt with as rogues and vagabonds. Aliens "conditionally disembarked," or those against whom expulsion orders have been made, or those awaiting the decision of the Home Secretary with regard to expulsion, may be kept in custody. This would seem to render possible a state of affairs mentioned a few years ago in the report of the Governor of Darlinghurst Gaol, New South Wales: "The Alien Restriction Act is responsible for the reception of seventeen persons who can scarcely be classed as criminals, but they undergo the same discipline and disabilities." The workhouse as the transmigrants' hotel is bad enough—this

has happened owing to the insufficiency of lodging-house accommodation at Liverpool—but a worse prospect is opened up with British Imperial practice providing a precedent. Section 7 also provides for punishment not exceeding three months' hard labour for false statements made by any immigrant, master of a ship, or "other person." The onus of proving himself not an alien is put upon the immigrant, who, contrary to the usual procedure, is held to be "guilty" until proved innocent; and a final sub-section declares that due regard must be paid to treaties and arrangements with foreign countries.

In Section 8 an "immigrant" is defined as an alien steerage passenger, but the term does not include transmigrants, who must either prove that they are proceeding to other countries, or in respect of whom security has been given by the shipping companies that they will be taken out of the country. This creates a class of passenger known as "transmigrants in bond." "Immigrant ships," which are to be examined, are vessels with more than twenty alien steerage passengers, but the Home Secretary may vary this number at his discretion; by the first regulations the number was reduced to twelve, and the subsequent restoration of twenty by Mr. Gladstone led to an outcry which is still in progress. "Passenger" means a person on board not employed in the service of the vessel, and "steerage passenger" includes all except those declared to be cabin

passengers. Under this sub-section, therefore, it seems possible for the Home Secretary to bring others than steerage travellers within the Act. Disputes as to whether a vessel is an immigrant ship, or whether a passenger is a steerage passenger, or whether an offence is a political or an extradition crime, are to be referred to the Secretary of State, who may withdraw or vary any order made under this section.

Section 9 provides for the application of the Act to Scotland and Ireland; and Section 10 brings it into operation on January 1st, 1906, and repeals the Registration of Aliens Act, 1836, the only alien measure left on the Statute Book, but virtually obsolete at the time.

The manner of administering the Act is explained by the regulations and memoranda issued by the Home Office, and it is interesting to note, in view of the contention of those who would have preferred the Bill of 1904, that the Act of 1905 is but a "beginning" in a direction in which they hope to see further legislation, that it is regarded as "stringent" by legal writers who are exclusionists.¹ The Government that passed the measure has never administered it. Apparently it was but the desire to place an Aliens Act on the Statute Book that kept it together after its own supporters were longing for a period of opposition for recuperation and the marshalling of its bewildered forces and its scattered ideas. A

¹ Sibley and Elias, p. 79.

Departmental Committee was appointed to draw up the rules, orders, and regulations; Sir M. D. Chalmers, the Permanent Under-Secretary, who had succeeded Sir Kenelm Digby, was its chairman, and Mr. Haldane Porter the secretary. Before the Government left office, Mr. Porter was appointed to the position of Chief Inspector under the Act. The regulations were drawn up, but so precipitate was the flight of the Government that the Home Secretary, Mr. Akers Douglas, had no time to sign any of them except certain instructions as to the custody of aliens in connection with expulsion orders, dated December 4th, 1905. The bantling was deposited on the doorstep of the new Liberal Ministry with anonymous instructions for its upbringing pinned to its clothing; and the new Home Secretary, Mr. Gladstone, had to take the abandoned thing to the official warmth of his administrative fireside and sign the prescription regulating its diet. It would satisfy more than mere curiosity to learn why the Government which seemed so keen on an Aliens Act made no effort to remain in power sufficiently long to enable them to inaugurate the working of the measure, at least. One of the generally-accepted reasons for the same Government remaining in office after the serious crisis caused by Mr. Chamberlain's introduction of his fiscal programme was the anxiety to secure the proper working of the Education Act. But the same high purpose did not evidently animate them in

respect of the Aliens Act, although this was a triumph after long and difficult agitation, inquiry, and departmental and ministerial thought. It was apparent that the administration of the new measure would be no picnic, and if the manner of thrusting the full burden of the responsibility of an experimental Act of a peculiarly difficult character upon a new Government which was known to have no special love for it was intended to create trouble, the tactics succeeded admirably.

CHAPTER IX.

THE WORKING OF THE ACT.

THE very first thing that happened after the Act came into force on January 1st, 1906, was the refusal of the immigration officials to admit the shipwrecked crew of the American trading barque, the *Edward L. Mayberry*, on arrival at Southampton on the South-Western steamer *Ella*.¹ The American consul had to appeal to the Government on behalf of the unfortunate mariners; and to put an end to the humiliating spectacle of the greatest of the nations refusing the customary hospitality always accorded to castaways of the sea a Home Office order was necessary. Then followed a period in which Star Chamber methods were revived; this ugly term was actually used in the Press, and with good cause. The Immigration Boards sat in secret—in London in an abandoned waterside office at Blackwall, difficult of access. No pressman or other outside person was admitted to the sittings; even relatives of detained immigrants found it extremely difficult to be heard or to learn when the Boards would sit. It was a time of storm in Russia, and it became evident

¹ *Daily News*, January 3rd, 1906.

that persecuted refugees were being cast back, perhaps to summary execution on the Russian frontier; a statement that this had been the fate of one or two, made by the Hon. Walter Rothschild, M.P., speaking at Chesham on March 15th, caused a profound sensation.¹ Before that, following protests in the Press, and representations to the Home Secretary by members of Parliament, a request was issued on March 9th to the Boards that permission should be given to the Press to attend the hearing of appeals. At the same time an order was made that the "benefit of the doubt" should be given to religious and political refugees coming from the disturbed districts.

Statements in the House of Commons revealed amazing disturbances caused by the Act. Lord Fitzmaurice, Under-Secretary of State for Foreign Affairs, speaking in the House of Lords on March 22nd, stated that trouble had arisen with Norway in regard to fishermen, whalers, workmen and others who came to this country on temporary jobs. Lord Beauchamp the same day mentioned cases of Scandinavian sailors and of French onion sellers who are but visitors. Mr. Leif Jones, in the House of Commons on March 5th, mentioned that the Belgian State Railway Company had discontinued running third class return tickets on their boats from Dover to Ostend. Other irritating matters were mentioned in the Press. The

¹ *Morning Leader*, March 17th, 1906.

Act was interfering with the third-class passenger traffic from the Continent which came to Dover and Folkestone. A London passenger agent was reported as saying, "The Act is driving away our passenger traffic";¹ the *Daily News* declared, "Our shippers are losing the great emigration traffic to Canada, the United States, the Argentine, and other countries. . . . Making the most of hindrances and rejections under our Aliens Act, the German lines are securing the business."² The Home Secretary was bombarded with questions and subjected to bitter attacks until, in defence not only of himself, but of the important public Department over which he presided, he exclaimed in the House of Commons on March 14th, that the whole work of the Home Office was being disorganised and seriously interfered with by the administration of the Act. The complaints came from both sides—from those who maintained that the measure was not being administered with sufficient stringency, and from the others who, citing cases, disclosed the fact that families had been divided, children having been torn from their parents and sent back, and visitors subjected to inconvenience and trouble.

For some time after the opening of the Immigration Board meetings to the Press—the first under the new conditions was held on March 12th—the complaints of harsh decisions

¹ *Tribune*, January 29th, 1906.

² February 15th, 1906.

ceased, but with the increase of the traffic in the early summer it was declared that numbers of refugees were being cast back from our shores. As a consequence I was commissioned by the *Jewish Chronicle* to attend the sittings of the London Board, and I did so regularly—later, on behalf of the *Jewish World*. At the outset I had the greatest difficulty in learning when the Boards would meet, and it was only when I appealed direct to the Home Office that the concession was made of informing the Press agencies. I discovered a bureaucratic organisation in force, the nature of which will be best understood by a statement of of the procedure in detail.

On the arrival of an immigrant ship at Gravesend it is boarded by the immigration officer, accompanied by his interpreter, and also by the medical officer. There is no immigration receiving-house in London—not even a shed, or shanty. In some of the other ports examination sheds have been provided, but although repeatedly asked to make the provision in London, Lord Gladstone maintained that it was the duty of the shipping companies to do so. In the Port of London Act there is power, which does not exist in the Aliens Act, for the establishment by the Government of a receiving-house, and last year Mr. Churchill appointed a committee to consider the matter of making such provision. A receiving-house is necessary to enable the medical and other examinations to be conducted properly and with

decency ; the accommodation on many foreign vessels, although much improved in recent years, is frequently unfit. It is important also that immigrants who appeal to the Board should be detained in satisfactory places : at present they are "imprisoned" on board ship—often in most wretched cabins—for the captain runs the risk of a fine of £100 if any of his charges escape. The lack of a receiving-house has prevented the adjournment of appeals, and there have been rejections because vessels have left before the Board could sit again. A captain in a hurry to get back to Rotterdam prevented the appeal of five persons.¹ There was a case, too, which roused great indignation in the Jewish community, where a girl was left alone on a Russian ship over a week end in charge of two or three rough sailors.

After the examination the ship proceeds up river to land its passengers. Meanwhile, an investigating officer, usually the interpreter, is sent to the addresses given by immigrants, or found in letters upon them, to make inquiries. There has been some improvement in the methods of the inquiry agent consequent on an outcry raised against his practices. His purpose is to gather information for the use of the immigration officer as prosecutor before the Board. For a time he added a new terror to the East End. He was not in the habit of informing relatives that immigrants had been rejected, nor did he always

¹ *Jewish Chronicle*, January 11th, 1907.

state why he was making inquiries. He asks the relatives if they expect friends from abroad, whether they have invited them to come: he seeks to learn the amount of their rent and earnings, the number of their rooms, children, lodgers—all manner of questions he puts—and in one instance, this officious personage had the impertinence to ask to be shown a bank-book! Once he asked a relative, "Do you want a tailor?" and the reply being "No," this was set against the man's offer of employment at the Board meetings, and the immigrant rejected.¹ The inquiry officer is not always in uniform. If the relatives are not at home, inquiries are made of neighbours. It was not the custom to inform relatives that they should attend before the Boards to give evidence, nor did the inquiry officer tell them of the time and place of the meeting. There has been continual warfare between the officials and one or two members of the Board on this matter of informing the relatives. It frequently happens that no witnesses are present on behalf of the alien at the hearing of the appeal. This even occurred on the occasion of one of the very few adjourned hearings which made the sitting a farce, inasmuch as it was called for the purpose of taking evidence which no one had been asked to tender! The immigration officer's contention is that it is no part of his duty to give information to relatives, and he puts

¹ *Jewish World*, May 21st, 1909.

forward a printed regulation to that effect. Mr. Gladstone backed up this attitude by his answer to a question in the House of Commons. The argument is that relatives must obtain information from the shipping people, which means dodging about the docks to find the vessel. I have known cases where men have lost a day's work in this wearisome search. Did not the Jews' Shelter in Whitechapel supply the information, relatives would often fail to know of the plight of the immigrants, and the latter would be deprived of their assistance.

At the very outset, then, the alien is heavily handicapped. He finds himself committed to a most unequal contest. On his part it is an obstacle race, with himself manacled in addition, whilst his competitor is a favoured runner, trained and given a long start on a prepared track with no impediments, and with the judges rushing forward tape in hand to meet him. This is no exaggerated simile, for whilst the onus of proof is thrown upon the alien, the procedure makes this difficult by placing restrictions on facilities. Under the Act the mere entry of an alien as a steerage passenger is an offence punishable by imprisonment, and the regulations emphasise this in every possible way. The "offender" finds himself a prisoner—the latter term has sometimes been used by members of the Board—and his defence depends upon luck and the good graces of the tribunal which is often, and avowedly,

prejudiced against the entry of aliens. Only the alien and the shipping people may appeal; an immigrant's parent or child or other relative has not the right to put forward the appeal. When the Board met at Blackwall witnesses had to wait outside on the quay. Complaint on the part of the members of the Boards, among others, led to the removal to a City office, at No. 141, Great Tower Street where witnesses sat on the staircase until a bench was placed in the passage for them.

Before the Board, the immigration officer is Master of the Ceremonies. He is prosecuting counsel, and, as matters stand, actually the appellant. Before the alien enters the room the immigration officer puts forward the information he has gathered, commenting upon it and drawing inferences. Here is an instance of prejudice excited by implication. An immigrant from Russia was stated to be wearing German boots! This highly suspicious circumstance—evidently meant to impugn the appellant's veracity—was explained away by the young man having worked for some time in Berlin. The immigration officer reads the particulars from the form made out for every third-class alien passenger. This form is in English and contains a notice that an alien is liable to three months' imprisonment for a false statement. Many of these documents are signed with a cross, and numbers of immigrants have stated that they have not seen the paper until put before them at the appeal. The forms, which are in English, are

filled up sometimes on board ship and sometimes by the agents at the Continental ports of embarkation. It has been proved repeatedly that the replies are incorrect and immigrants have denied signing them, although at the foot is the line, "I understand the above questions and have answered them truly." Their evidence given subsequently has been deemed discrepant. Protests have been raised by members of the Boards against regarding these documents as more reliable than the oral evidence and against the immigration officer's comments. This has led to some improvement. But information gathered from neighbours is still advanced and regarded frequently as of more importance and reliability than that of the appellant and the witnesses. The members of the Boards have continually shown themselves unacquainted with rules of evidence and the practice of the Courts.

The immigration officer is allowed to cross-examine the alien and his witnesses: this, I contend, is illegal. No doubt he acts in accordance with his instructions, but Regulation 23 expressly states that the immigration officer "shall be entitled to be heard, and the Board may put such questions to the alien or other appellant, and make such inquiries, if any, as they think fit." This explicitly bars the immigration officer from putting questions, restricting that right to the Board, and, I imagine, it also must mean that even the secretary, who is also the solicitor, has no right to put ques-

tions. The procedure makes of the immigration officer a fourth member of the Board, and after putting forward hearsay evidence, too—the information gathered by his inquiry agent from neighbours who are not called to substantiate their alleged statements. Important changes may follow the employment of solicitors by the immigrants—a concession refused by Lord Gladstone, but granted by Mr. Churchill last year.¹ The solicitor, I presume, will have the power to cross-examine the immigration officer in the same way that he has the right to question a police officer in a magistrate's court. Time after time the immigration officer's statements have been proved wrong by relatives who have attended to give evidence, and I see nothing in the Act or the Regulations to exempt him from the penalty of three months' imprisonment for making a false statement in the Board room, as in the case of an alien or witness. Proceedings have been taken against one witness, who was sentenced to a month's imprisonment with hard labour.

Some ludicrous mistakes have been made by the officer. Often it has happened that when he has stated he has been unable to trace the friends of an appellant, they have duly presented themselves. The most glaring instance I can recall is one in which the officer stated that he could not find the

¹ A Jewish committee has made arrangements for the representation of appellants by legal men, but owing to the very few appeals in London of late, advantage has not yet been taken of the new rule.

address of a relative in the directory. The relative, however, turned up, spoke excellent English and proved himself a man of substance by producing the title-deeds of his house. On looking through the directory I found his address without the slightest difficulty. On another occasion the Shelter officials, who rival the Post Office experts in deciphering caligraphic puzzles which pass for addresses, secured the attendance of a relative from Margate whilst the immigration officer was vainly looking for the address in the neighbourhood of Moorgate Street. In this case the relative, after making a special journey to London, narrowly missed being called through being unable to learn the time of the sitting of the Board. Another case, the first which led to a re-hearing, had resulted in rejection because the relative of a boy appellant was said to occupy a tiny shop near "Petticoat Lane": the relative at the time was on a holiday at Marienbad, and at the re-hearing due to representations made to the Home Office by Mr. Wedgwood Benn, his son quickly established his father's standing.

Faulty interpretation has been the subject of repeated complaints to the Home Office. It has led to protests from members of the Board who are able to detect it, and even from pressmen. There has been considerable improvement, but it has been easy to understand, listening to the crippled English of the interpreters, how the immigration officers have come by much of their

strange information. All in the room were convulsed on one occasion by the translation of the phrase *precashchick in a wald*, a Yiddish combination of Russian and German, as "shop assistant in a timber yard"! A serious case was due to the mistranslation of a letter found in the possession of a woman who stated that she was proceeding with her little child to her husband in America. According to the letter, as read in the Board room by the interpreter, the husband wrote: "I send you divorce." By Jewish law a husband may under certain conditions send a divorce to his wife, and the Board naturally came to the conclusion that the man had no desire to receive her. They rejected her, of course. Later I saw the letter, and was astounded to find that it contained no reference at all to divorce; the mistake was due to the misreading of the word "*gelt*" (money) for "*get*" (divorce). The letter, I may say, is badly written. I placed the matter before the Home Office, asking for a re-hearing of the case. The Home Secretary has no power to compel a re-hearing, but he may suggest it. He did so, but the clerk to the Board and the immigration officer took it upon themselves to reply that the woman had been rejected for some other reason, and the case was not re-opened. She was returned to the Continent, but subsequently came into this country as a first-class passenger and duly joined her husband. The letter is still in my possession, and I understand that some sort

of explanation of the mistranslation was demanded by the Home Office, or, at any rate, that it was given.

In many instances trifling alterations in the formula of questions make a considerable difference. The Board may say to the interpreter, "Ask him where he got his money"—a regulation query. I have known it put in Yiddish to the appellant in this form: "Who sent (or gave) you the money?" The alteration is not due to deliberate intent, but to the difficulty of translating a language with which the interpreter is imperfectly acquainted into an elastic jargon lacking in equivalents. The translation into English often conveys its meaning well enough, even if put peculiarly: "No, sir; the alien says there was not no unrestlessness in the town he has come away from," was the manner in which one interpreter sometimes conveyed the intimation that the appellant did not hail from a disturbed district, but the Board understood. More serious is the tendency to interrupt the evidence when a weak chairman presides. The immigration officer comments at all times: "This is different from the alien's signed statement," or, "This is not what he told us yesterday on the ship," or again, "This is contrary to the information gathered by the inquiry officer." He may or may not be privileged, but his inquiry agent is certainly not entitled to step forward with remarks of that kind. One member of the Board, a magistrate,

is very severe on such interruptions, but others seem to attach more importance to them than to the evidence of the witnesses. On one occasion the medical officer "ventured a suggestion," and was sharply rebuked by a magistrate member of the Board.

It will be readily understood how under such chaotic conditions it is imperative that the members of the Board should be men of capacity and judgment. Efforts made in the House of Commons to learn the manner of their appointment elicited the statement that nominations were made by public men; whether a member is appointed for life, or whether the Home Secretary has the power of removing any name is unknown. In an early debate on the administration of the Act after the Liberals came into office, it was stated by Mr. B. S. Straus, at that time member for Mile End, that one of the first appointments was an East End tradesman who had distinguished himself at a by-election by placing "a large and vulgar cartoon in his shop window depicting an alien, who was meant to be himself (Mr. Straus), robbing an Englishman of his work and food."¹

All one member seems to know is that the Act allows exclusion. That is sufficient for his purpose; the definitions of undesirability he supplies himself. According to words used by him in the Board room the most undesirable class are those most physically fit, "because they are best able to

¹ Parliamentary Debates, Vol. 153, p. 1328.

compete with our workmen." The fact of a man being a tailor is to him, and sundry others, sufficient ground for rejection.

Two chairmen have distinguished themselves by asking, "What is trachoma?" although this is a contagious eye disease to which aliens are supposed to be peculiarly liable—the statement is repeatedly made in face of the fact that trachoma is found in Ireland and in English rural districts where aliens are unknown. Another member asked, "What are transmigrants?" It was a confession that he was unaware that special provision is made for their exemption from the Act. One member dubbed as "nonsense" the reply of a Jewish witness, who kept a provision shop, that he did not sell bacon. So ignorant was the gentleman of matters connected with Jews that he did not know bacon is the forbidden flesh. Yet another, who has the habit of asking whether any alien workman has brought tools with him, put the same question to a tailor, adding, to make his intention perfectly clear, "Any needles?"

One little piquant episode saw a quick-witted Jewish tailor score smartly against a chairman. The latter was one of the Mile End Guardians who at that time excited unpleasant public attention. With as much sarcasm as he could command, the chairman asked the tailor whether he would undertake to see that his relative, the appellant, would not become a public charge. "I give you my word he'll not come on to the Mile End Guardians,"

snapped the tailor, and the chairman hung his head. Some time later, in connection with the Mile End scandals, he was sentenced to imprisonment and to deprivation of his public offices.

On one occasion a family was rejected simply because no member of the board had the intelligence to ask a question that is put almost automatically in the County Courts. A relative who offered to make temporary provision for the family stated that he had nine children and lived in three rooms. Instantly, it was assumed that he lived in overcrowded conditions, and could not of course provide room for a family of four. The obvious question, "Are any of your children working, and are they all living with you?" was not put. Five of the children, I learnt subsequently, were working, and only three lived with their father: a married son was waiting to give evidence, but was not called, and rooms had been taken for the immigrant family. The Board, instead of doing its duty in the direction of taking full evidence, wasted its time by expressing sympathy with the appellant, a fine type of man whose appearance and bearing impressed them. Another rejection was neither due to harshness nor ineptitude; it was a case where the procedure was of doubtful legality. The London Board has invented a system of guarantees by relatives, although no provision is made for this in the Act or the Regulations, which means that, despite its sixpenny stamp, the guarantee could not be enforced. None the less it impresses those

who give it with the seriousness of the obligation they take upon themselves to see that the immigrant does not come upon the rates : on that ground it may stand justified. But in the case I speak of a witness was not deemed substantial enough to give a guarantee. He stated, however, that a brother, who was too busy to attend that day, was in a good position and had authorised him to say he would give a guarantee. The Board, nevertheless, rejected the alien, because, forsooth, the ship was returning that day and there was no time to wait for the brother's attendance. The rejection of the alien was not on the ground of his undesirability, but solely because the Board did not regard his relative as able to give a guarantee and because of their own impatience. What would be thought of a magistrate who committed a prisoner because "Black Maria" was ready to start for gaol and could not wait for the attendance of an important witness who was expected to establish the innocence of the accused? This is a perfect parallel.

A case of exceptional harshness was the rejection on November 8th, 1909, of a mother and father who were but coming on a short visit to attend their son's wedding. The reason was that the father was suffering from trachoma.¹

A matter of paramount importance is uniformity of procedure, which at present is altogether lacking. No attempt is made to co-ordinate either practice,

¹ *Daily News*, November 9th, 1909.

or procedure, or the decisions, so that equal conditions should help to determine like cases. At Grimsby a leading member of the Jewish community has been permitted to attend all sittings and to act as advocate on behalf of the appellants. In London this practice was not adopted, but a Jewish member of the Board is invariably one of the tribunal. The Shelter officials, who could be of the greatest assistance, are not allowed to come near Great Tower Street. The official of another institution, one for the protection of girls, is sometimes present in the ante-room, but is never called. Once he was asked to give evidence: the immigration officer went out to see him, came back mysteriously, and in a stage whisper, said, "His secretary won't allow him to give evidence, but he thinks you ought to reject." Thereupon one of the members of the Board went out to see the man and made a similar statement on returning. The rejection was no doubt quite justified: the alien was suspected of being concerned in the White Slave traffic. But the procedure opens up a limitless vista of possibilities. It was illegal for one member to take evidence; when one member has been late, the solicitor to the Board has not allowed the two others to commence hearing cases. The man should have given his evidence in the ordinary way, and the Board could have asked the press representatives to retire, as they invariably do when they are considering their decision.

Early in 1906, Lord Gladstone stated in the House of Commons that he was considering the formation of advisory Boards to assist the members of the Immigration Boards, but two years later, in answer to a question, he declared that he saw no necessity. It would no doubt have been regarded as the gravest possible reflection on the Boards, although the advisory Board was believed to be intended to keep the members well posted with conditions in disturbed districts. The necessity of this knowledge needs no emphasis. The Boards remain the most remarkable of English tribunals. Each Board of three members, called upon by the secretary from a panel as far as possible in rotation, is a separate entity; the decisions and rulings of one are not binding on another. And a Board's finding is the most adamant decree in our whole administrative and judicial system. The members may make the most glaring mistakes without any person in the land being able to call them to account, or reverse their decisions. Their findings cannot be brought before the High Courts for revision, nor can the Home Secretary quash or vary any decision in the least degree. The utmost he can do is to suggest a rehearing, but he cannot compel such a course, and the Board or its officers may refuse to entertain the suggestion. Non-judicial, non-legal, non-professional, inasmuch as only a few of the members are magistrates—and there is no guarantee that a magistrate will always be in

the chair—the Immigration Board is the most autocratic body in our whole organisation of government. The rules of evidence are regularly flouted. Relatives of immigrants have practically been put upon their trial, and have been mercilessly heckled and even bullied; their offers of work, of a home, and their general sympathy have been openly sneered at; they are severely cross-examined on their rent-books, bank-books, and other documents which they produce voluntarily, and confronted with hearsay statements, concerning themselves, their families, their houses, and their businesses, made by neighbours. The Board which has not the power to administer an oath, may do just as it pleases, violate every canon of conduct, disregard every law, ignore every tradition; and none may say it nay. The oddest situation of all has been created by the Criminal Appeal Act. A dishonest alien, a murderer even, has the privilege of challenging a sentence passed by a judge; an honest one, who may be excluded from the land by an error of the Immigration Board or of the interpreter, has no right of appeal. The considered judgment of a Stipendiary Magistrate, of a County Court Judge, of three eminent Lord Justices of the Court of Appeal may be overthrown—no tribunal other than the House of Lords, in fact, although assisted by learned counsel and a jury, has the last word; but three members of the Immigration Board, none of whom may be Justices of the

Peace, may give effect to personal prejudice with impunity.

An answer that is sometimes given to complaints of the methods of the Boards is that the whole procedure is not "judicial." But that is just the gravamen of the charge. Punishment by "administrative order" has been established for the system of English rule of law. That the absence of any check has had its influence on certain members of the Boards is amply proved by events. At a sitting of the London Board on Saturday August 13th, 1910, a "scene" occurred, one member remarking to the chairman, "Your questions were leading up to the point of allowing the applicants to think they could be admitted." He actually objected to aliens knowing that they have the right of entry if they conform to certain conditions. A more preposterous attitude cannot be conceived. At another meeting of the Board on August 31st, he offered an explanation: "I did object to the manner of the chairman's questioning. I thought he was putting leading questions." He can have no idea of the meaning of a "leading question"; such interrogatories are regularly put, for the questioning of aliens and witnesses is in the nature of cross-examination.

A surprising display of zeal on the part of the Board occurred at Great Tower Street on November 30th, 1909, when it assumed jurisdiction over an alien who had been admitted unchallenged and did not come before them, by the suggestion

that only on the condition that he left the country would they admit a relative who followed him in a few days and was held up.¹

The disclosures of the secrets of the Immigration Board room aroused great indignation in the Jewish community, and the Board of Deputies, which is sometimes termed the "Jewish Parliament," and is the representative body of the synagogal communities, forwarded a memorial to the Home Secretary. They have since forwarded others, and indeed have been in continual communication with the Home Office in respect of procedure and of individual cases where the decisions have been deemed arbitrary. What they asked for in effect was nothing more than a "fair trial" for aliens who appeared before the Boards. But Lord Gladstone sternly set his face against any reform or amendment and remained obdurate to all representations during the whole period of his occupancy of the Home Secretaryship. The nature of the complaints and his attitude may be gathered from a question which Mr. Stuart Samuel kindly put in the House of Commons on December 29th, 1906, at my suggestion, and his reply :—

"MR. STUART SAMUEL: To ask the Secretary of State for the Home Department whether his attention has been called to the procedure of the London Immigration Board; whether he is aware that there is no power to administer an oath to witnesses; whether it is possible for alien immigrants to be represented by

¹ *Jewish World*, December 3rd, 1909.

legal men should they so desire ; whether he is aware that the immigration officers consider that it is not within their duty to inform relatives and friends of the appellants that they should appear at Blackwall, and that as a consequence the Board has come to a decision on the uncorroborated testimony of the inquiry agent ; and whether, seeing that Mr. Vallance,¹ the chairman of the Board on Friday, December 7th, gave it as his opinion that the officers should render all possible assistance to the relatives of immigrants to ensure their attendance as witnesses, and that the procedure is due to regulations drawn up by his Department, he will appoint a Departmental Committee to inquire into the working of the boards with a view to securing efficient and uniform administration.

“MR. SECRETARY GLADSTONE: An immigration board is not a court and has no power to administer an oath. The board has an absolute discretion as to the person whom it will hear ; but there are obvious objections to establish anything like court procedure, *e.g.*, counsel, legal evidence, &c., before a body which has not the powers of a court. It is no part of the immigration officer's duty to see that relatives attend the board meetings, and at the times when previous inquiries are being made the day and hour of the meeting is often not known. When they are known they are communicated on application, and in any case any person who is really interested in an alien immigrant can always obtain the necessary information by inquiring of the master of the ship on which the alien is, or otherwise. Attention is paid to the working of the regulations which govern the procedure of the boards, and they can be altered if experience shows it to be necessary, but full information on that subject is always at my disposal, and I have no need to appoint a committee in order to collect it.”

¹ Mr. Vallance (who had been a member of the Alien Commission) was not the only chairman who asked that the inquiry officer should secure the attendance of witnesses.

Any hope that the Home Secretary would take the view that the Act and the regulations being admittedly experimental, experience had revealed flaws, was thus dispelled. The feeling cannot be resisted that the regulations had been deliberately drawn up to press harshly on the immigrant, to accentuate the penal nature of the Act itself, to deny to appellants the elementary rights of English Courts of justice. The mailed fist was officially disclosed. Lord Gladstone accepted the view of his departmental advisers and steadfastly refused to lay before Parliament the Report of the Committee which had drawn up the regulations. As far as he was concerned there was some excuse for him. His life was being made unbearable by the campaign based on the charge that he had nullified the Act. It was a campaign of mendacity without equal in modern political life, conducted with ferocity both inside and outside of Parliament. Some of the questions hurled at him in the House of Commons were offensive, as, for instance, the following, put on March 15th, 1906:—

“I beg to ask the Secretary of State for the Home Department whether in the exercise of his statutory discretion under the Aliens Act he is entitled, by regulations, to admit to this country alien idiots, alien paupers, aliens suffering from loathsome diseases, and persons likely to become a charge upon the public funds, if they allege that they are fleeing from religious or political persecution.”

“No, sir, and I have made no such regulations,” was the emphatic answer of the Home Secretary,

and he was absolutely correct in saying so. But that only infuriated his critics the more. The whole fabric of the agitation being based upon the Order of March, 1906, it is as well that it should be examined closely. The actual wording is as follows:—

“INSTRUCTION TO IMMIGRATION OFFICERS.

“In all cases in which immigrants, coming from the parts of the Continent which are at present in a disturbed condition, allege that they are flying from political or religious persecution, the benefit of the doubt, where any doubt exists, as to the truth of the allegation will be allowed, and leave to land will be given.”

It is quite obvious from this wording that the instruction was not a permanent order, but introduced as a temporary expedient owing to the troubles in Russia. This was the tone also of the letter addressed by the Home Office to the members of the Immigration Boards. In this the Secretary of State

“hopes that, having regard to the present disturbed condition of certain parts of the Continent, the benefit of the doubt, where any doubt exists, *may* be given in favour of immigrants who allege that they are flying from religious or political persecution in *disturbed districts*, and that in such cases leave to land *may* be given.” (The italics are mine.)

These words are clear. The order was not sweeping as is obstinately maintained. It was temporary, and it was to be restricted to immigrants coming from districts left to the discretion

of the Board. Not even the word "countries" was used, nor were any districts scheduled. The Boards had an entirely free hand in the matter. But accidentally, or intentionally, a direction was given to the attack on the Home Secretary by Sir William Evans Gordon in his speech in the House of Commons on March 14th, when he used the word "must" in quoting the new order. "It must be obvious," he added, "that the whole Act became null and void under those conditions."¹ And it has never since occurred to those who have repeated the phrase, basing upon it the gravest possible charge on Lord Gladstone and the Government, to seek to learn how the new order was followed.

In a printed reply to questions in the House of Commons papers on February 10th last, Mr. Churchill stated that the political refugees admitted numbered 505 in 1906; 43 in 1907; 20 in 1908; 30 in 1909; and 5 in 1910. So much for the "hordes" admitted.

It did not escape the notice of the Boards that no compulsion was put upon them, and they interpreted the instruction as they did all the other regulations—according to their personal propensities. The members regarded themselves in no way bound, and it was not often that the refugee question had to be considered. When it did, questions were put in such a form as to render Mr. Gladstone's objects nugatory. Unless

¹ Parliamentary Debates, Vol. 153, p. 1313.

a man came from a place like Bielostok, where there had been a massacre, he was not deemed to be in any danger, and the query was sometimes put, "Were you in any actual fear of your life?" As if it is possible for a man living under the shadow of a volcano to foresee, with any degree of certainty, when an eruption will break forth and whether the streams of lava will engulf him or not. As well might a Calabrian peasant be expected to protect himself against the devastating earthquake that comes unannounced like a thief in the night. But even greater and more lamentable ignorance of conditions in Russia was displayed by the question, "Did you belong to any revolutionary organisation?" I have seen the look of alarm on the face of more than one immigrant when that query has been put. The answer has generally been, "I! Heaven forbid!" and the Solons of the Immigration Board have triumphantly exclaimed, "Well, if you were not a member of any such body, we don't see what you had to fear." Admission of membership would be regarded as tantamount to a declaration that the alien was a terrorist, and consequently the worst form of undesirable immigrant.

In fact, the "benefit of the doubt" was rarely given, and pretty soon the instruction was disregarded, if not completely forgotten. Under the system adopted it was inevitable that genuine refugees flying for their very lives should be rejected, and cases were brought to the notice of

Lord Gladstone only to add to his irritation and to drive him further and further to the shelter of his official entrenchment. The tendency of the Board to attach the utmost importance to the possession by the immigrant of a letter of invitation from a friend or relative here was sufficient in itself to render the order unworkable. Some members consider an invitation essential; they overlook the possibility of a refugee having to leave Russia without waiting for an invitation. Moreover, since practically everything the alien says is looked upon with suspicion, the *bona fides* of letters are doubted. A prominent member of the London Immigration Board, Mr. J. H. Polak, J.P., has not hesitated to express his views on the working of the much vilified order. In an interview in the *Morning Leader* of January 9th last, he declared with regard to the instructions, "I have not noticed any great eagerness on the part of the Board to carry them out." In answer to a query whether immigrants claimed admission as refugees, he stated, "No. In my three-and-a-half years' experience I only remember some half-dozen cases; and certainly some of the immigrants making the claim were rejected."

It is still, however, customary to repeat the shibboleth denouncing the order as illegal, and so high an authority as Lord Halsbury, who was Lord Chancellor when the Act was passed, backed it up by stating in the House of Lords, on March 22nd, 1906, that the action of the Home

Secretary was contrary to the Act of Parliament. Lord Loreburn, the present Lord Chancellor, replying on April 5th, differed, pointing out the difficulty of proof. He added, "It is a clumsy piece of legislation." The declaration of the "Right of Asylum" in section 1, sub-section 3, of the Act is unmistakable. It did not slip into the measure without discussion. There were several debates on the point, two of them, on July 10th and 17th, 1905, of exceptional import and interest; they drew unequivocal expressions in favour of the right of refuge from Unionist as well as Liberal speakers, including Mr. Balfour, Lord Hugh Cecil, Sir A. Cripps, and Mr. Duke. Most interesting of all, Sir Edward Carson defended Lord Gladstone's order in the House of Commons on March 14th, 1906. He repudiated the allegation that it was contrary to the expression of the Act, maintained that the only ground of criticism was taken away if the matter were looked at fairly and squarely, and pleaded for support of the endeavour to give the measure fair play. That it has never had from those who passed it.

In face of all this, it is surprising for a member of the London Board, Sir George Woodman, to contend in an interview in the *Morning Post* of January 9th last, that "the Immigration Board is suffering from lack of force, its powers having been taken away almost to vanishing point." Even more astonishing was the opinion of an "East End magistrate" circulated in the Press

apropos of the "scene" on August 13th, 1909, to which reference has been made. "The original Aliens Act," he averred, "was beneficial, but much of its effectiveness was destroyed by the regulations made by Viscount Gladstone when at the Home Office." Such animadversions are confuted by the statistics. The latter prove conclusively that it is becoming increasingly difficult for an alien to succeed in an appeal and that the Boards have developed into mere bodies for confirming and registering the decisions of the immigration officers when they are challenged. The following table gives the number of exclusions by the immigration officers since the Act came into force, the number of appeals, the number of them that have been successful, and the final rejections :—

		Exclusions.	Appeals.		Final Rejections.
			Heard.	Successful.	
1906	..	935	796	442	493
1907	..	975	601	173	802
1908	..	724	321	112	612
1909	..	1,456	581	109	1,347
1910	..	1,066	432	144	922

Only two grounds of exclusion are mentioned—"want of means" and "medical grounds." It is exceedingly difficult to secure a reversal of the medical objection. In the last three years, 1908-9-10, there have been 276 appeals against the doctors' objections; only 49 succeeded.

The drop in the number of exclusions in 1908 was due to the smaller volume of alien passenger

traffic from the Continent consequent on the American financial crisis. The 1909 figures are heavier than they would otherwise have been owing to the inclusion of 398 Armenians and Syrians who were rejected for America at Marseilles. They were induced to come to the United Kingdom, says the Report, by agents here, and some of the unfortunate fellows were tossed from one country to another for over six months without any real hope of ever being admitted to America.¹ They were nearly all suffering from trachoma, and those who are ever contending that the Aliens Act is powerless to exclude the unfit who are rejected by the shipping companies for America should read of this with relief. The 1910 figures, it was stated by Mr. Churchill in the House of Commons on February 8th last, were free from this sort of thing, and they are thus shown to be about equal to what might be termed the normal 1909 figures. The number of appeals and the proportion of them that have proved successful have diminished. Comparing last year with the first twelve months of the Act, it will be seen that although refusals of leave to land increased only from 935 to 1,066, the number of final rejections nearly doubled, rising from 493 to 922. And whereas there were appeals in the majority of cases in the first year, last year considerably less than half of the decisions of the immigration officers were challenged. Finally,

¹ Cd. 5,261, p. 8.

whilst over half the appeals in 1906 were successful, only one-third met with success last year. The odds are decidedly against the immigrant who is once refused permission to land; the figures prove that the Act is being enforced with steadily-increasing vigour, and the "dead-letter" argument is shown to be nonsensical. The truth is that the Act is fast becoming a "dead-letter" at certain ports as far as the appeals are concerned. Outside London and Grimsby appeals are exceedingly rare. The figures at the southern ports are instructive. At Newhaven in 1906 there were 123 exclusions with 96 appeals, of which 25 were successful; in 1907 257 exclusions yielded but 48 appeals, of which only 9 were successful; 1908 saw 271 exclusions and only 20 appeals, of which all but 5 failed; in 1909 exclusions rose to 522, the appeals numbering 93, of which no fewer than 87 failed; last year the figures were, exclusions 551, appeals 96, successes 3.

At Folkestone the results are somewhat similar, and at Dover there was no case of appeal at all until 1909 when there were three. In London and Grimsby only are the sittings of the Boards regularly reported—in the Jewish papers at least. Except in 1909, the year of the many Syrians, Russians were always at the head of the nationalities of the rejected. In 1906 they mustered 262 out of the 493 excluded; in 1907, out of the 802, they provided 302; in 1908 they numbered 189 out of the 612; in 1909 the Syrians led with

398 out of the 1,347, Russians coming second with 269, and Italians being third with 268. Americans, on the other hand, totalled but 10 in the four years. Thus the Americans who provide the greatest proportion of the criminals and vagrants are almost untouched by both the exclusion and expulsion clauses of the Act, whilst the Russians have to bear the brunt of the measure and of the public antipathy.

It is perfectly true that a large number of aliens arrive on non-immigrant ships, that is, vessels bringing only twenty, or fewer, steerage passengers. Twenty is the number in the Act: the figure was reduced to twelve by the first regulations, and part of the storm that burst over Lord Gladstone in March, 1906, was due to his restoration of the number in the Act. A higher exemption figure does afford opportunity of entry to persons who would probably be rejected were they to come under inspection, and I am not aware of any objection to a low figure even among those who have demanded modification of the methods of administration. At the same time it must not be forgotten that undesirables can secure admission by travelling as first or second-class passengers. Lord Beauchamp stated in the House of Lords on May 22nd, 1906, that the exemption figure had been restored to twenty to relieve the pressure at non-immigration ports: when ships with more than twelve alien steerage passengers arrived they had to go to an immigration port to land their passengers, and considerable

hardship was entailed. The figures of the arrivals must also be considered in their entirety. Analysis of last year's figures will not be forthcoming until the issue of the Aliens Act Report for 1910. The analysis for 1909 shows that in all 422,548 aliens arrived from the Continent, 134,718 coming on non-immigrant ships, *i.e.*, vessels bringing twenty or fewer aliens in the steerage. Deducting from the total the first and second-class passengers and transmigrants who do not come within the operation of the Act, there was a balance of 54,043 steerage passengers, of whom 35,254 were actually inspected, the other 18,789 having arrived on non-immigrant vessels. This may be regarded as the unsatisfactory feature of the working of the Act at the ports, but the only way to ensure absolute control is to bring every vessel, even the smallest tramp or fishing-smack which might carry an occasional passenger, under inspection. The 54,043 steerage passengers included seamen, transmigrants not "in bond," and persons holding return tickets to the Continent who may be regarded as visitors. Deducting all these there was a final balance of 20,471. Of this number only 8,541 arrived on non-immigrant ships.¹ Analysis, therefore, does not reveal an alarming "residuum."

One criticism remains to be examined—that relating to what is termed the "money test." It is continually assumed that any alien, even one

¹ Cd. 5,261, p. 6.

of repellant aspect, with "criminal" and other proofs of undesirability writ large all over him, has but to tender a "crisp fiver," which he may have borrowed or hired, to secure admission. The £5 qualification is mentioned in a Memorandum issued from the Home Office in February, 1906. In this the Home Secretary "thinks that the test should be that the immigrant is possessed of £5, with an additional £2 for each dependant." This sum, it was suggested, should be regarded as "means" where "the officer has no reason to suppose that the money has been furnished to him merely for the purpose of obtaining leave to land and is not really his own money." The problem was the subject of much animated discussion in the early days of the Board meetings in London, and if these wranglings had any result it was in the direction of adding to the onus of proof upon those seeking admission. The production of English money by an alien at once brings him under suspicion. It is promptly assumed that the money is not his own. Cases are on record of rejection because English postal orders have been shown.¹ The worst thing an alien can do is to show English money; and as soon as the officers had reason to suspect that £5 notes were hired, the immigrants producing them had little chance of gaining entry. I have heard many an appellant and his relatives and other witnesses severely cross-examined for the purpose

¹ *Daily News*, March 7th, 1906.

of discovering whether money has been sent from England. Letters found on the immigrant have been read, and any mention of money being sent, or asked for, has proved fatal. Immigrants are closely questioned as to their position in their native lands and as to their earnings there, the object being to gather whether they have been able to save money; their relatives here have been subjected to the same inquisitorial ordeal. And the result has been that many an individual, able-bodied, possessed of more than £5, and claiming to be a refugee, has been refused admission into this country.

CHAPTER X.

REFORM.

AFTER five years' trial, the Aliens Act stands before the bar of public opinion anathematised almost by all, understood by few. Its future must be different from its past: that demand is made by those who forced it upon the Statute Book unthinkingly, by those who assisted its progress with the utmost reluctance, and by those who throughout have objected to the classification of the ordinary alien with the criminal and other undesirables. The Government has acknowledged the demand, but out of the seething maelstrom of suggestion few ideas will rise to the surface of calm consideration. Few persons who have been free with advice—even the public bodies that have hastily drawn up petitions—can have taken the trouble to read the Act, fewer still have made themselves acquainted with its working. Even legal writers have concluded their disquisitions with the hazy “something should be devised.” Mr. Churchill has promised legislation on behalf of the Government, and Mr. Goulding has introduced a measure on behalf of the Opposition.

Its provisions are explained in the following

memorandum, my own remarks being added in parenthesis :—

“The Bill proposes that every alien immigrant, i.e., an alien subject to inspection under the Act of 1905, shall be required to register his place of abode. (Registration will thus be confined to those who arrive as steerage passengers. They will have to register within three days of their coming and notify changes of abode within twenty-four hours, under a penalty of £20, or expulsion. No time limit is mentioned, so that such aliens will have to be permanently registered. According to the schedule affixed to the Bill, visitors also will have to register, but holders of return tickets, or those who give satisfactory evidence that they do not intend to remain more than three months, will be excused certain questions, referring to means and convictions, at the discretion of the immigration officers. Every alien steerage passenger to be inspected. This, of course, will convert every port into an immigration port, and will enormously increase the number of officials.)

Increased power to expel convicted aliens and to prevent insanitary conditions due to overcrowding is conferred. (Particulars in cases where aliens are convicted will have to be sent to the Home Secretary, who will be empowered to make an expulsion order even when it is not recommended. Cases of overcrowding are to be notified to the local authorities or to the police.)

No alien is to be allowed to possess or carry a pistol, as defined, without first having obtained a permit from the chief police officer of the district in which he resides, or, in case of refusal, from a court of summary jurisdiction. (Permits will be subject to cancellation by a court if it is shown that an alien is not a fit person to have a pistol. Any policeman will have the power to ask for the production of the certificate at any time. Any person who lends, gives or sells a pistol to an alien not possessed of a licence will be

liable to a fine of £20. A pistol is defined as a weapon with a barrel not exceeding nine inches long.)

A warrant for domiciliary search for firearms may be issued by a justice of the peace, or, in a case of emergency likely to endanger life, a written order to enter and search may be granted by a superintendent of police.

An employer inducing an alien to come to this country or undertaking to employ him must pay fair rates of wages as determined under the Trade Boards Act or under the fair wages clause. (No provision is made for the exclusion of alien "blackleg" labour during a strike or lock-out, a significant omission.)

Orders, other than expulsion orders, and regulations made by the Secretary of State in regard to aliens are to be laid before Parliament. (An amazing clause designed to supersede the authority of the Home Secretary by the whim of either House. A draft of any rule or order is to lay before each House for thirty days, and will be scotched if an address to the King is presented against it by either House. This is obviously intended to prevent the promulgation of any such order as the "Benefit of the Doubt" order. A device to nullify the Right of Asylum.)

Mr. Goulding's Bill is less drastic but more foolish than anticipated. But, as was fully expected, the keynote of the Opposition Bill is registration, and it is certain that the Government will oppose it, for Mr. Churchill stated in the House of Commons on February 10th, in reply to the Hon. H. L. W. Lawson, the member for Mile End, that registration will form no part of his proposals. The registration of alien residents is no new idea. It was a feature of old Acts, the discovery of which appears to give quite a childish pleasure to many people. It was

suggested by the Alien Commission, it was proposed in the abortive Bill of 1904, and efforts were made to include it in the Bill of 1905. But the present Government will never agree—no Progressive Government, in fact, will do so—for it seeks to give legislative expression to the desire for control of residents. Whatever name may be given to it, registration, in effect, means nothing more nor less than the re-introduction of the passport system, and the essence of a passport system is that there shall be no exemptions. Contracting-out is fatal to its efficacy, and yet to suggest that all aliens should be registered for a period after their arrival is absurd.

Two questions immediately arise. Why are first-class and cabin passengers to be exempt, and how is distinction to be made between residents and visitors? To restrict registration to steerage passengers will lead to the very trouble that is at the root of the existing port difficulty with regard to undesirables who may, and do, enter as first-class travellers even after rejection. Such persons have been known to pass under the very noses of the officers who have previously excluded them. To exempt first-class passengers from registration will simply mean giving a bounty to the shipping companies, for aliens will then take cabin tickets. True, the Memorandum of February, 1906, already provides that passengers securing second-class accommodation merely by paying excess fare on board ship still remain

subject to inspection, but this would hardly include those who purchased second-class tickets beforehand. And in any case, the difference between steerage and first-class on the short sea routes is small—only a few shillings. The system would also prove a blow to the transmigrant traffic, for it would drive that class which is not in bond at any rate to book direct from Continental ports.

Visitors for periods of less than three days are to be exempt. It is possible to visit England from Belgium and France and return within twenty-four hours quite comfortably. Many business men make these short journeys. But if such a visitor's return is delayed by business or illness, he will be compelled to register. A most elaborate police and espionage system would have to be established to watch these persons. Those who come frequently might be exempted on obtaining certificates of some kind. This, again, would be a passport, and there would be the trouble of identification. Assuming that such certificates could be obtained from English Consuls abroad, there is no guarantee that they would always be legitimately obtained, or that they would be used by the persons in whose names they are made out. It is not suggested for a moment that English Consuls, or officials, would lend themselves to fraud, but those who are at all acquainted with the happenings on the Russian frontier, are well aware that wholesale illegalities are perpetrated. Passports are bought and sold, and hired daily: there are

agents innumerable who transact the business, and even in Russia itself, where the system is administered with a draconic severity at times absolutely diabolical, there are evasions which cannot be detected. I have mentioned that on my brief visit to Russia, the Consul General in London refused to *viser* my passport. Nevertheless, I entered the country and left it, too, quite legally: I had the document properly endorsed to enable me to make my departure, and actually called myself at the passport office and on the Police Commissary for the purpose. Suppose a foreigner arrived at Dover say from Hungary, with a name over which the immigration officer would first break a tooth and then a pen-nib, what proof could he obtain that the name and the man had any legal relation?

Registration, without exception, of every alien who enters the country would be effective control, but exemption, however limited in character, would open up a fruitful field of abuses and would lead to a howl of execration the first time a foreigner got into serious trouble. And yet registration without exemption is not worth a moment's serious thought. Easy-minded advocates of the idea forget England's geographical position, and overlook the important fact that London is the world's business and financial centre, and also that this country is becoming increasingly popular with foreign tourists and holiday-makers. To be effectual, it would not suffice to impose obligations

on the aliens themselves ; it would involve their landlords, probably also their employers, and certainly hotel proprietors. At times of public turmoil, such as that occasioned by the Houndsditch horror, no person would be safe from an official challenge. It has already happened that deportation orders have been made against criminals who are not aliens, and that Englishmen returning from the Continent have been detained for a while to prove their nationality ; this has even happened to members of Parliament. Let the same thing occur in England under a system of alien registration and the indignation would be great.

The cost would be enormous and would in time compel the imposition of a poll-tax. This is an old proposal, strongly advocated by the late Sir Howard Vincent, and recently revived. A poll-tax is demanded by many as a protective tariff levied on human beings. No difficulties would be presented in exacting it. The shipping companies would be made to pay it, and the tax would be added to the price of the ticket. Competition with the foreign ports is already very keen, and a poll-tax would strike the heaviest possible blow at the transmigrant traffic, especially if it were sufficiently high to cover the expense attendant on registration. Furthermore, registration would sooner or later compel the abandonment of any exemption from inspection at the ports. Already this is illogical, and before long the first and cabin

classes would become the suspected classes, the conduits for the free admission of all the undesirables and the previously rejected. The honest aliens, who would not need watching, would be on the register; the undesirables would be those not scheduled, a kind of outlaw band. An alien once allowed into the country without being catalogued in the register would prove difficult of subsequent observation, for identification would not be easy. The whole scheme bristles with minor problems innumerable, and the most undesirable alien, who is almost invariably the astutest, would avail himself of the smallest loophole. What, for instance, would be done with a suspect who asserted that he entered as a first-class passenger? Would he be registered against the law?

A suggestion that meets with favour among the extremists is that aliens who intend to settle should first secure a certificate of character from British consuls in their native countries. This, too, is an old proposal. It is open to all the objections already enumerated in respect of certificates of exemption for business and holiday visitors. And there are additional difficulties. Many aliens come from small towns and villages where there are no British consuls. They would have to secure their admission cards from the consuls in the large towns, and these officials would be under the necessity of obtaining certificates of character from the local police or clergy. This opens up

unpleasant prospects not only for the emigrants, but for the consuls and for the authorities here. What is to be test of respectability, of desirability, and is the consul to be responsible? Is he to accept the word of the police or other authorities in small places some distance from him and unknown to him without question and without investigation? Foreign police who wished to rid themselves of an undesirable person would not hesitate to give him a certificate of good character to ensure his removal to another country, and even if the consul suspected this was being done, would he be in a position to set himself against the authorities? There is also the problem of definition, the nicest point of all. Apart from the impossibility of refugees being able to delay their flight until they obtain their certificates, and apart also from the question of the very request being the means of casting them into the arms of their persecutors, is England to accept the view of the Russian, or the Rumanian, or the Spanish police, or the authorities of other countries? The very police commissary, parish priest, or local Governor, called upon in the first instance to certify the character of the refugee, would in all probability be the chief local persecutor.

This is no light matter to those who are keen on the retention of the Right of Asylum. An interesting case of definition was brought to the notice of the Alien Commission. Mr. Van Amstell, a shoemaker, stated that he had given employment,

at the request of an Englishman, to two Spanish "anarchists," two of the best hand-sewn shoemakers he had ever seen. They were Liberals and Protestants who had been branded as anarchists simply because they took part in Protestant propaganda and had been expelled after imprisonment for twelve months in the fortress of Montjuich.¹ Such men would never be able to obtain certificates of good character. The position will be best understood by its reversal. There are hundreds of men and women on the Continent who suffer imprisonment, deprivation of all rights, torture even, and who run the risk of death for opposition to their Governments which takes a much milder form than that of the Passive Resisters or the Suffragists in this country. In Russia the militant followers of Mrs. Pankhurst would be deemed violent anarchists; in Spain Dr. Clifford might be similarly regarded. Are we to accept the inhuman view of the foreign authorities of such men and women, who, in their own countries, are frequently the most educated? Even those who hate passive resistance and abhor suffragette tactics would stand aghast at the prospect.

Yet the danger exists. In the *Times* of January 13th last, Madame Novikoff, the well-known Russian political writer, pleaded for co-operation between our police and those of Russia. Madame Novikoff doubtless had some

¹ Min. 12,215.

authority to make the suggestion which was accompanied by an attack on the Right of Asylum to political refugees. The invitation has not been brought to the notice of Parliament. It would raise a storm of protest, for it means supporting Russian repression and policy of reaction by English officialdom. Englishmen will never agree to the police of this country acting as the complaisant puppets of the Russian authorities as the German police do. When the Tsar visited Germany in 1910, Russians had to be expelled.

Freed from all the trammels foisted upon it, the question narrows itself into one of dealing with criminals and other undesirables who come more or less in the same category. In this direction, Mr. Churchill will doubtless legislate. Intricate and difficult though the matter is, certain obvious amendments present themselves to all students of the problem. Expulsion must be rigorously enforced, for crimes of a certain character deportation must be made compulsory, and above all there must be additional punishment for the deported criminal who returns to this country again.¹ His numbers are not large, but they must be made smaller still. A certain difficulty must be boldly faced. A deported criminal is not an acceptable acquisition to any country, and he is not welcomed,

¹ In answer to a question in the Commons on March 22nd, 1911, Mr. Churchill hinted that increased punishment for a breach of an expulsion order will form a feature of his proposals.

even in his native land, when he is expelled from our shores. A few instances have occurred where he has been promptly sent back, and once or twice a game of battledore and shuttlecock has been played by the English and Continental police. International agreement is obviously necessary to grapple with this awkward problem; arrangements might be made part and parcel of extradition treaties, each country to agree to accept its own evil-doers. Otherwise it would seem to be necessary to set aside some lonely island or other waste region of the earth as an asylum for the hopeless criminals of all nations whom no country will harbour, or whose nationality it is difficult to prove. The only other alternative is to keep a dangerous man who has returned more than once after expulsion permanently imprisoned. It may be the cheapest method in the long run: certainly it would be the surest way of rendering such an alien criminal innocuous. The principle of "preventive detention" has already been accepted in the Prevention of Crime Act, passed in 1908.

The chief problem raised by the Houndsditch affair and the siege of 100, Sidney Street is the possession of firearms. The ordinary criminal is bad enough; the armed ruffian is a parasite which no social system can tolerate. Restrictions of a drastic character are imperative. The total prohibition of firearms to foreigners, although it would gladly be approved by many people, would appear to be unnecessary, if not impracticable.

Exemption would promptly be claimed for the use of sporting weapons, and it would be inadvisable to prevent the enjoyment of "sport." To do so would put a ban upon those foreigners who do not come within the class to be dealt with by legislation. It would be absurd, for instance, to prohibit foreign guests at country houses and on shooting estates taking part in a day with the guns. The question then narrows itself to small arms. Frankly, I cannot regard such weapons as a necessary adjunct to civilisation, and I doubt not that a considerable and influential body of opinion could easily be induced to take the same view. The possession of revolvers and pistols should be made difficult to all persons: to foreigners they should only be permitted, if permitted at all, under the most exceptional circumstances. Their importation—and, of course, ammunition is included—should be made as difficult as the law can possibly make it, and their sale should be similarly restricted. Under no circumstances should an alien on entry be allowed to bring in small arms: a heavy duty might be imposed and the weapon and ammunition for a time be confiscated and only returned when satisfactory reasons, which should not be made easy, had been given. Illegal possession should be constituted a grave offence calling for heavy punishment. A writer in the *Times* of January 10th, 1911, suggested the treatment of arms at the ports as contraband and advocated the right of search. If

these suggestions are practical, they are excellent. The customs authorities already possess the power to overhaul luggage for tobacco, spirits and other things liable to duty in the case not only of alien steerage passengers on "immigrant ships," but of all classes of passengers and on every vessel. The right of search exists also for explosives.

The Government's proposals, according to the *Daily News* of March 22nd last, will probably contain special powers for the searching of all persons arriving from abroad for firearms, and to list the weapons as contraband. Considerable restrictions are also to be proposed in the issue of licences. Other suggestions are that a licence fee of one pound per annum shall be charged for each pistol; that air-pistols and air-guns, which have hitherto escaped, shall be included within the scope of the measure, and that the police shall have the power to enter, without a search warrant, the house of any persons suspected of being unlawfully in possession of pistols. These proposals are even more drastic than those of Mr. Goulding.

In the realm of administration, amendment is sorely needed of the methods of the Immigration Boards. The official view of the working of the appeal machinery is not known and cannot even be surmised. The annual Blue Book is silent on the point. I know for a fact that certain resolutions, suggestions and views have been sent to the Home Office from the Boards, but the members have

never been asked to submit a report. They have experienced certain difficulties, and some I know have long thought that a thorough review of their duties for the purpose of revision is most urgent. It seems only reasonable that those who have had the actual administration of the Act should be consulted. The Act cannot be altered without the sanction of Parliament, but the regulations and rules are a departmental matter and should be modified and varied where experience has demonstrated the necessity. Reform is strongly advocated from within as well as without. The members themselves have expressed dissatisfaction and the least they have a right to expect is that some attempt should be made to explain and define their powers and duties.

A valuable practical suggestion was made by the Jewish Board of Deputies when it first approached the Home Office in October, 1906. This was that a stipendiary magistrate should be appointed to preside regularly over the meetings of the London Board. At that period the Boards met two or three times per week, but since then the sittings have become less frequent, and sometimes several weeks pass without the occasion of calling a triumvirate at Great Tower Street. One of the great weaknesses of the London Board is that many of its members attend but seldom and cannot therefore be expected to keep in touch with procedure, with the law, and with the special knowledge which is a desideratum to efficiency.

Several of the ablest men are the busiest: consequently the Board, being composed of any fortuitous trio, is largely in the hands of the immigration officer. The members look to him for guidance, and he cannot help but be their master rather than their official. He carries out his duties according to his instructions with no desire to be harsh, but the regulations are arbitrary. The success of the Boards depends largely upon the *personnel* of its members, which is not beyond reproach, and upon their experience, which they are unable to obtain under present conditions. The Board, excellent though the idea is in intention, and successful though it may have proved as an organisation sitting regularly, cannot be declared to have realised expectations. The question arises whether it should not be superseded. A suggestion I would put forward for earnest consideration is that the duties should be transferred to the Courts of Summary Jurisdiction where the stipendiary magistrates should be assisted by two assessors, selected from a panel as at present, but holding office by reason of special knowledge or qualification for dealing with the subject. One should be a member of the Jewish faith, as is at present the case.

The proposal is not revolutionary. It simply means transferring the sittings to a Court, which would be a great deal more convenient and comfortable for all concerned, and substituting a permanent for an irregular chairman, one, moreover,

thoroughly versed in the law of evidence and experienced in the conduct of judicial inquiries. The right granted to the alien of being legally represented will make a great difference at the London Board; it should certainly dispel much of the needless confusion which often exists. With a stipendiary magistrate presiding over the tribunal, and a solicitor conducting the case of the appellant, the procedure would be co-ordinated with that of the courts and the conduct would be above suspicion. At present it is rather an anomaly that the appellant should not have the slightest idea what the whole business is about. It is not conducive to expedition, nor does it tend to get at the truth. Many a time have I seen the alien, on entering the Board room, look half-furtively, half-appealingly, about him. He has seen rather a full room—three members of the Board, the clerk, the immigration officer, the latter's assistant, the interpreter, the medical officer perhaps, and two or three pressmen. He knows that something has been said about him, but he is not told what is the "charge." He is requested to take a seat, and questions are put to him through an interpreter. These are the only words he understands; he is feverishly anxious to make a statement, but is permitted only to answer questions which his manner suggests he fears are leading the tribunal astray, and he is in doubt whether his relatives and friends are present. He may have given a wrong name and otherwise have

prevaricated—not from choice, but because some scheming agent abroad has included him with another family in a passport, and he feels he has not the opportunity of putting matters right. It is an unedifying game of cross-purposes which I have watched over and over again. An alien would be sure of his witnesses being called at a Court. They would know where to make inquiries—at present they cannot at Great Tower Street, which is only a suite of city offices, three rooms, closed except when the Boards are sitting. Friends are dependent upon the Shelter and upon the good graces of the ship's officers. The latter have been known to have itching palms, and when not disposed to be obliging they have prevented an alien being seen by his relatives.

The unpleasant feature of the appellants being kept under close surveillance on board ship is one that should be ended. Private prisons are not consonant with English ideas of justice; they are objectionable morally, and have more than once been condemned on sanitary grounds. The power placed in the hands of the captain has led to other abuses. Frequently, at Great Tower Street, an alien when asked to produce his money has put forward a scrap of paper, a receipt from the ship's captain, who has taken charge of it for him. Money is not handed over willingly—(several times I have seen an alien after persuasion and assurance that no harm is meant, go into a corner of the room and tremblingly draw his little hoard

from within his shirt)—and the Board has been informed that it has been taken from the immigrants so that, in the event of their appeals being dismissed, the captain will be able to deduct the cost of the return passage.

The Boards have protested, but they have no power to prevent the practice, which is of doubtful legality. The shipping company is compelled to give a rejected alien who has no means a free passage back to the land from which he has been brought; and more than a mere suspicion has arisen that immigrants who have had little chance of gaining admission have been accepted as passengers when the captain has learnt that they have sufficient money to pay for the return journey. By taking possession of this money the captain evades the responsibility of not shipping undesirables. Were the aliens kept in a receiving house this would not happen, and the captain would hesitate to adopt a practice which might lead to trouble did he know that the matter would come before a Court and a stipendiary magistrate instead of an amateur tribunal.

It is important, also, that there should be facilities for the adjournment of a case. By rule 4 notice of appeal must be given within twenty-four hours; by rule 5 this must be sent to the clerk of the Board "forthwith"; and by rule 14 the Board must be held, if practicable, within twenty-four hours after receipt of that notice. This does not give much time for a relative who may be

living at the other end of the country to attend, or even to reply. The chairman of the Grimsby Board on Friday, March 10th, 1911, refused to adjourn a case for the attendance of a relative, who wrote from Liverpool to say that he could be present on Monday, the 13th. He contended that it was no part of the spirit of the Act to grant adjournments, and that it was the duty of the immigrants to be prepared to call evidence as soon as the vessel arrived. This decision is harsh in the extreme, for the power of adjournment is granted by rule 19: it is a power, however, in the absolute discretion of the Board.

At Grimsby recently it has been well-nigh impossible for an appellant to secure a reversal of the immigration officer's refusal. And at Hull on June 22nd, 1909, the accredited representative of the Hebrew Congregation, who advised transmigrants, was summoned for trespassing on the railway platform, and fined 10s. and costs.

The Jewish Board of Deputies' representations to the Home Office were summed up in a memorial submitted in February, 1908, and signed by Lord Rothschild, Lord Swaythling, eleven members of the faith in the House of Commons, Unionists and Liberals, and a number of other leaders of the community. That memorial asked for four things:—

- (1) The establishment of Receiving Houses at the immigration ports.

- (2) The right of appeal from the Boards to the King's Bench.
- (3) The revision of the list of members of the Boards.
- (4) Better provision for the interpretation and presentation of evidence.

With regard to the first, power was taken in the Port of London Act to provide a Receiving Home, and the chairman of the Board of Deputies and the chairman of the Jewish Board of Guardians were appointed to the Departmental Committee, which considered the matter. The Report of this Committee, issued as a White Paper¹ on March 25th, 1911, confirmed anticipations and justified criticisms by its recommendations and admissions. It suggested the establishment of a Receiving House at Tilbury to put an end to inconvenience experienced by the officials, the shipping companies, and the immigrants and transmigrants, the House to be under the supervision of the Port Authority, which will thus become the custodian of the temporary "prisoners" instead of the captains. A shilling toll was suggested to cover expenses. The admissions included a statement that captains are frequently impatient, desiring to take advantage of the tides—and it was also shown that this impatience had prevented appeals being laid²—that immigrants have to remain on deck in the open air in all weathers during inspection, and that since the Act came

¹ Cd. 5,575. ² Cd. 5,576, Mins. of Evidence, 157, 1,338.

into force the Thames immigration traffic has diminished. Lord Gladstone mentioned this latter fact in the House of Commons on October 8th, 1909; Mr. Churchill repeated it to a Jewish deputation which he received at Dundee on January 15th, 1910. The figures now given are as follows: Immigrants (including a number who eventually leave, seamen, holders of return tickets, and returning residents): 14,942 in 1906; 11,262 in 1907; 8,067 in 1908; 8,226 in 1909; and 3,784 in the first six months of 1910. Transmigrants: 17,208 in 1906; 8,511 in 1907; 1,961 in 1908; 4,362 in 1909; and 4,856 in the first half of 1910. The two Jewish members of the Committee agreed to Tilbury as the *locale* if the Boards continue to meet in London, and the representative of the Treasury acquiesced on condition that no expense is thrown upon the public purse. Tilbury as the meeting place of the Boards would be inconvenient to witnesses, and would not assist them in the important direction of being able to see the aliens. It would also be awkward for members of the Board, for legal representatives and pressmen.

Mr. Churchill, in his reply to the Jewish memorial,¹ appointing the Departmental Committee and granting the right of legal representation of aliens at the Board,² agreed in principle

¹ *Times*, June 6th, 1910.

² The new rule embodying this is dated May 11th, 1910, but it was not gazetted until June 7th, the delay being doubtless due to the death of King Edward VII.

with the second point, the right of appeal from the Boards to the High Court, but declared that it was a matter of doubtful utility; it would involve legislation. Also, he pointed out that any alien who could afford to pay for such an appeal would obviously be able to enter first class. The third point was met by an offer to add three nominees of the Deputies; this has since been done. One of the suggestions of the Deputies was that the members of the Boards should not be paid the fee of one guinea per sitting. A member of Parliament once told me that he had been asked to nominate a man to the Board so that he might make "an easy guinea occasionally." I know of at least one Jewish member of the London Board who hands his fee over to a charity. As to the fourth point, Mr. Churchill remarked that the latest communication made no reference to the matter, and he assumed that the immigration officers and interpreters were now performing their duties in a manner calling for no complaint. Recognition of this comes from Mr. J. H. Polak, J.P., who, in a statement to a *Jewish World* representative last summer, said, "There is nothing of the prosecuting counsel about them now. I am convinced they do their best to administer the Act with as little harshness as possible, and they take a great deal of trouble in making inquiries."¹ For this change Mr. Polak is himself largely responsible. He

¹ *Jewish World*, August 19th, 1910.

strenuously resisted the earlier methods adopted, and threatened to lay the matter before the Home Secretary.

In one particular direction the immigration officers are deserving of all praise: they do their utmost to check the White Slave traffic. Where they have the least suspicion that travellers are engaged in the vile business, or that a girl is being imported for the purpose, leave to land is withheld, and the most rigorous inquiries are set afoot. Many a time I have heard the officer inform the Board that his inquiries have removed suspicion: at others he has declared himself not satisfied, and rejection, of course, has followed. More than that, girls have not been allowed to enter the country when the persons to whom they have proposed to go have been suspect.

The amendments asked for by the Board of Deputies were not in the nature of any revision or emasculation of the Act; they had reference to matters of procedure which were shown by experience to press heavily and often unfairly on aliens who appealed to the Immigration Boards. They were nothing more than a request for fair play. The working of the Act has failed to satisfy anybody. There is a general demand for inquiry, backed by Sir M. D. Chalmers, the ex-permanent Under Secretary at the Home Office who presided over the Departmental Committee which drew up the rules after the passing of the Act in 1905. His admission that they were tentative, difficult,

"hampered legitimate traffic and gave rise to unexpected hardships,"¹ justifies all criticism of the administration. The officials cannot complain, for on Sir M. D. Chalmer's showing criticism should have been expected. The attempt to wear down complaints has failed. A case for thorough investigation has assuredly been made out. To undertake further legislation other than that dealing with criminals, without fullest inquiry into the working of the law and rules already in force, would be a dangerous blunder.

Mr. Winston Churchill introduced the Government proposals, the Aliens (Prevention of Crime) Bill, on April 18th, 1911. It does not propose registration, nor any curtailment of the Right of Asylum. The laxity of the Courts in the matter of recommendations for expulsion is to be counteracted by calling upon them to state their reasons why deportation has not been suggested, and the penalties for re-entry after expulsion are to be increased. A new proposal is to call for sureties of good behaviour from aliens of less than five years' residence suspected of consorting with criminals. The procedure will be by prosecution before a Court of Summary Jurisdiction, and failing sureties, the suspect will be deported.

¹ *Times*, January 10th, 1911.

CHAPTER XI.

THE RIGHT OF ASYLUM AND THE STATUS OF THE ALIEN.

Easy the cry, while vengeance now is wrought,
And from his lair the Anarchist is burned,
“ Shut be our harbours, closed be every port,
And from our shore be every alien turned ”
Yet while the clamour and pursuit is hot,
And public anger public madness breeds,
Be it not soon nor easily forgot
That England thus an ancient titles cedes.
For centuries a pillow hath she spread
For all that widowed goes, and wandering ;
And in her lap hath laid the unhappy head
Of broken statesman, and of outcast King.
Shall she, alarmed by that small horde, deny
This old sea-haven to world-misery ?

TIMELY indeed were these words by Stephen Phillips in the *Westminster Gazette* on January 12th, 1911, in the midst of the excitement caused by the “battle of Sidney Street.” The right of refuge had been shamefully violated and there was rude clamour for the abrogation of an unwritten sacred law. It would seem that the pride in the honoured tradition of England has weakened of late years in the minds of men to whom nationalism is but a craven fear and patriotism an excuse for holding all other people in contempt. Threatening hands have been laid before

now on the tacit treaty that is a bond of brotherhood, and there are indications that efforts will be made to hedge it round with restrictions which will not merely tarnish its lofty purpose, but impair its efficacy as a charter of liberty and means of regeneration.

“The Right of Asylum is writ in characters of fire on the tablets of our Constitution,” are the words used by two legal writers of the present day,¹ but the right is not a legal obligation. Nor is it a moral duty. It is a hallowed sentiment. Many fine passages can be quoted from men of authority on the nobility of the Right of Sanctuary, but when it was “so eloquently apostrophised in the House of Lords, and on the Bench and by the Bar, it was not, in fact, consecrated by any statute.”² The reference is to the events of 1858 when the right was claimed for a man named Bernard, who was accused of being accessory before the fact to the murder of one of the Garde de Paris, killed by bombs thrown by the associates Orsini and Gomez. The trial was the occasion of the first judicial declaration of the Right of Asylum. Lord Campbell, Lord Chief Justice, in his summing-up to the jury described the Right as “a glory which I hope will ever belong to this country. That asylum, however (he added) amounts to this—that foreigners are at liberty to

¹ “The Aliens Act and Right of Asylum,” by N. W. Sibley and A. Elias, p. 125.

² *Ibid.*, p. 137.

come to this country and to leave it at their own will and pleasure, and they cannot be disturbed by the Government of this country so long as they obey our laws, and they are under the same laws as native-born subjects, and if they violate those laws they are liable to be prosecuted and punished in the same manner as native-born subjects.”¹

A later legal dictum, however, traverses the opinion that “foreigners are at liberty to come to this country.” By the Chinese Act of the Colony of Victoria, a Chinese immigrant has no right to land until £10 has been paid for him. An action arising out of this was carried to the Judicial Committee of the Privy Council and led to the declaration on March 18th, 1891, by Lord Halsbury, that “by International law this country has a right to keep the alien out.”² International law is the original source of the Right of Asylum, and this emphatic judicial pronouncement governs the position at the present time. The Aliens Act, 1905, has altered the situation, but not as materially as is sometimes assumed. Section 1, sub-section 3, lays down:—

“But, in the case of an immigrant who proves that he is seeking admission to this country solely to avoid prosecution or punishment on religious or political grounds or for an offence of a political character, or persecution, involving danger of imprisonment or

¹ *Times*, April 19th, 1858.

² *Musgrove v. Chun Teeong Tay*, (1891) L. R. App. Cas. pp. 272, 277.

danger to life or limb, on account of religious belief, leave to land shall not be refused on the ground merely of want of means, or the probability of his becoming a charge upon the rates."

This is regarded by many as the most important feature of the Act. Sibley and Elias characterise it as "the most comprehensive declaration of the Right of Asylum that is to be found in the whole range of municipal legislation, not merely in the history of this country, but throughout the civilised world."¹ On this account opponents of restriction and those who realise the necessity of different methods of administration would not approve of the repeal of the Act. It is clear, however, that under the Common Law no alien has a right to admission, that is, he *may* be excluded; the Aliens Act declares that in certain cases he must be excluded, and it provides the machinery for the purpose. The clause above cited was not in the original draft of the measure. It was left to the House of Commons to decide upon the wording of this precious safeguard which consecrates by legislation a noble tradition, and the debates upon the amendments gave rise to decisive expressions of opinion on the matter, disclosing the keenest possible desire among all parties to conserve the Right of Asylum. Mr. Balfour, the Prime Minister at the time, spoke both for and against. At first, he adopted the view of his uncle, Lord Salisbury, and sneered at the right. Speaking on July 10th,

¹ "The Aliens Act and Right of Asylum," p. 130.

1905, he referred to the "historical delusion" of other members, and asked the House to "put aside this fancy picture that from time immemorial this country had been so much in favour of religious equality and the rights of conscience that it gave an asylum to the religiously persecuted of all nations." But, a week later, on July 17th, he recanted. He said:—

"There was no difference of opinion in the House as to the desirability of admitting aliens into this country who were genuinely driven out of their own country on the grounds of their being accused of political crime or involved in political agitation."

That referred to political refugees; two days later, on July 19th, he was equally emphatic with regard to religious refugees:—

"We have heard a great deal of the possibility of the Jews and others coming to this country in an absolutely destitute condition and being rejected under this Bill from our shores, although they were flying from religious or political persecution. Nobody desires that such a contingency should occur."

Lord Hugh Cecil, speaking on July 10th, took the view that to exclude any aliens we chose "was to enunciate a pagan doctrine difficult to reconcile with the essential part of the Christian religion that subordinated national distinctions to our moral obligations." An oppressed person, to his thinking, had, *primâ facie*, a right to asylum. Sir A. Cripps, a distinguished Unionist lawyer, said he would be no party to the refusal of the Right of

Asylum. He reminded the House that we had been the pioneers in this matter of religious freedom, "and we must not now give the go-by to the best part of our history." Mr. Duke, another eminent lawyer, speaking on the same day from the Unionist benches, asked the Government to meet a sentiment which found a "strong expression in the House and a powerful echo throughout the country," and Mr. Spear, also a Unionist, threatened to vote against the Bill unless it was modified to admit refugees. Sir Charles Dilke initiated the two debates and the Liberal forces were concentrated on efforts to secure the best possible wording to meet the general feeling. Mr. Asquith was most anxious to add the words "or liberty" to the phrase, "danger to life or limb," but this was resisted and the leading advocates of the measure displayed an eagerness not to make the opening for the admission of refugees too wide. Still, even Sir William Evans Gordon was constrained to admit on July 17th the necessity for granting asylum.

As finally approved, the wording is not beyond criticism, for while it declares that a refugee shall not be excluded "on the ground merely of want of means or the probability of his becoming a charge upon the rates," it leaves it open to the immigration officer or Board to exclude him for other reasons. These may be most trivial; the word of the Board is final and no explanation need be given.

On the part of most people the belief in the Right of Asylum is due to the fundamental love of liberty and freedom and to the sturdy repugnance to artificial limitations of conscience. With not a few, it must be admitted, the Right of Refuge is reluctantly conceded, and a class manifested itself in Parliament during the discussions on the Aliens Bill and in the course of the subsequent attack on Mr. Gladstone's "Benefit of the Doubt" Order, which would insist upon conditions and proof that would go far to nullify the effect of the provision. That class has recently given expression to opinions raising the fear that it would not hesitate to eliminate the precious clause from the Act. They approve, apparently, of the Right of Refuge in the abstract only; in practice, they refer to it as a sickly sentiment, and they would narrow the definition of refugee to very attenuated proportions. That comes of the failure to understand the fetters placed upon freedom in certain countries, Russia in particular, and the disinclination to regard the restrictions as serious. Restraint appears to them a necessary condition of citizenship, and it is indubitably at the root of the anti-alien feeling existing in England. That feeling has found utterance in the Aliens Act which materially affects the status of the alien resident here.

The Act recognises no distinction between the alien who has lived in the country for many years as a creditable member of society and the alien newly arrived who may have been admitted with

some reluctance by either the immigration officer or the Board. Except that he is not entitled to the franchise, and is thus debarred from all public positions dependent on the vote, and that he is not permitted to hold a share in a British ship, an alien enjoys all the privileges of the native. But while he is free, in the words of Lord Campbell, to leave the country at his own will and pleasure, he is no longer free to come here. It is undoubtedly a flaw in the Act that an alien resident who takes a short business or pleasure trip abroad, should run the risk of not being allowed to return. I know of cases where returning residents have had difficulties with the immigration officers, and I have in mind the rejection of the appeal of a youth who had lived in Manchester from childhood and had been to the Continent to see his mother who was ill. He spoke English very well, was straightforward, and bodily fit. It is to be assumed that the immigration officers will give every consideration to those who are returning visitors, but the power to reject these people exists in the Act and stringent application, it has been shown, depends upon the officials. An alien who may have been brought into the country as a babe is liable to expulsion after fifty years of respectability if he becomes involved in any of the long list of offences punishable by imprisonment without the option of a fine. Here again, magistrates and the Home Secretary (who makes the actual order) may be expected to

exercise discretion, but at times of public excitement the danger of the highly rigorous features of the Act being utilised in instances hardly justifiable, is not to be minimised. A case has already been brought before Parliament where a man, sentenced to imprisonment for an offence, was ordered to be deported, although for about twenty years he had lived in this country without getting into any trouble and had married here. A man once deported may not re-enter the country.

Under laws in force from 1803 to 1836, aliens were liable to be expelled by proclamation on mere suspicion, and a state of affairs "nearly so in effect" exists to-day, for an alien may be expelled even "when he has not committed any offence to the law, for which he has not been punished, and even when he has not committed a crime at all."¹ This refers to the power, under section 3, sub-section 1, to deport persons who, if certified by a Court of Summary Jurisdiction, have been in receipt of relief, or have been found wandering without ostensible means of subsistence, or have been living under insanitary conditions due to overcrowding. An alien is exempt from this contingency after he has been here twelve months, but this exception has been ingeniously qualified by the use of the words "after the alien has last entered the country," so that a day's trip to the Continent would bring him within the scope of the clause. There is no legal definition of

¹ Sibley and Elias, p. 38.

overcrowding, and the advent of one additional child into a family might bring the father within the law. And with regard to the receipt of relief, it is further pointed out by Sibley and Elias that the alms which disqualify a person from exercising the Parliamentary franchise need not be parochial alms, but money given from a private charitable trust; and that "an alien will be liable to be expelled from the United Kingdom when it is shown that he has been the recipient of public or private moneys on the ground of his extreme indigence alone."¹

But the strangest of all the provisions in the Act is the phrase at the end of the third sub-section of section 1, "And leave to land shall not be refused merely on the ground of want of means to any immigrant who satisfies the immigration officer or Board concerned that he was born in the United Kingdom, his father being a British subject." Sibley and Elias interpret this as implicitly designating as an alien a person born in the United Kingdom whose father was an alien, and they further express the opinion that a doubt might arise "whether a Colonial-born British subject could commit an offence as an undesirable immigrant against the Act."² They also base this theory upon the phrase:—"It seems to afford an explanation of the artificial definition of an alien that the Act implicitly gives that it is aimed,

¹ *Ibid.*, p. 61.

² *Ibid.*, p. 35.

not at aliens generally, but at the undesirable immigrant."¹ Such an intention, however, was never expressed during the passing of the measure, and it can scarcely be correct. Their definition might delight Sir William Evans Gordon and Mr. Arnold White, for it would bring the "second generation" within the operation of the Act, but although other legal writers are puzzled, they do not agree with Sibley and Elias. Mr. H. S. Q. Henriques says it is useless to dilate upon the probable intention of the draftsman of the Act in inserting these words, and he remarks also that in the rare cases in which an immigrant can be brought under the exception, the words "his father being a British subject" will probably be found to introduce further useless complications.² In the "Laws of England," edited by Lord Halsbury, a contrary view to that of Elias and Sibley is taken. A note states:—

"A person born in the United Kingdom is a British subject, and consequently not within the terms of the Act. It is clear, therefore, that this class must refer to a person born in the United Kingdom who has lost his British nationality by being naturalised abroad."³

This would seem the most plausible explanation. The phrase was introduced to meet the case of the returning Irishman who had become a naturalised American subject, but it was one of the amendments

¹ *Ibid.*, p. 36.

² "Law of Aliens and Naturalization," p. 151.

³ "Laws of England," vol. 1, p. 321, note (a).

passed without discussion after the guillotine fell. With legal opinion differing, it is obvious that it will cause trouble some day. Legal difficulties can only be referred to the Home Secretary, who, under section 8, sub-section 4, is to decide if any question arises, *inter alia*, "whether any person is an immigrant." Presumably, the point would be laid before him by the Immigration Board, but it may be taken for granted that the view of the appellant's solicitor would be considered. This sub-section would not prevent an alien resorting to *habeas corpus*. He or his solicitor could apply for a writ, and if a dispute ever arose over the nationality of an immigrant who claimed to have been born in this country but brought up abroad, such a course would appear to be the best calculated to lead to a satisfactory decision. The point emphasises the necessity of the power of appeal generally from the Immigration Board to the High Court. It may seldom be needed, but a High Court pronouncement might some day be desirable.

An alien is not disqualified from serving on a jury, but he is not entitled to claim an old age pension; a private bill now before the House of Commons, introduced by Captain Jessel, a Unionist member, and backed by members on both sides, seeks, however, to remove the disqualification if a person has lived in the United Kingdom for five years immediately prior to the time of his application, "and if after having attained the age of

fifteen he has lived in the United Kingdom for a period or periods amounting in the aggregate to at least twenty years." The tendency, however, to exclude aliens from the benefits of new legislation is being displayed, and another private member's bill of the present Session, presented by Mr. George Gibbs, seeks to restrict the use of the Labour Exchanges by foreigners.

A married woman is of the same nationality as her husband, so that a woman becomes naturalised immediately she marries a British subject no matter how brief her period of residence has been. Similarly, a woman who is a British subject becomes an alien by marrying an alien, and remains so in widowhood. She thus renders herself liable to exclusion and expulsion, but would be able to claim admission to the country under the puzzling proviso in section 1, sub-section 3, of the Aliens Act. A hardship on a British woman married to an alien is that she cannot claim an old age pension, and Captain Jessel's bill proposes to remove that disability.

All the disabilities of an alien are removed by naturalisation, obtainable after five years' residence, which need not be continuous if it is confined within a period of eight years immediately preceding the application. Twenty years' residence is, however, essential to qualify for an old age pension. The alien's wife and children under age are included in the naturalisation certificate, the fee for which is £5. Alien seamen serving on

British ships are exempt from the payment of the fee, and the qualifying period is reduced to three years, which may have been spent partly in service at sea. The grant of the certificate is in the absolute discretion of the Home Secretary, and a few years ago it was intimated that favourable consideration would not be given to applicants unable to read, write, and speak the English language reasonably well unless exceptional circumstances were shown.

Certificates have been refused to well-known refugees and the hope of a reduction of the fee held out by the late Sir Henry Campbell-Bannerman, when he received a deputation on the question in July, 1907, is not likely to be realised. Mr. Churchill, who then introduced the gathering, has often expressed himself in favour of a reduction, but to the Jewish deputation which waited upon him in Dundee, on January 22nd, 1910, he intimated that strong opposition would be raised. Recent events have naturally strengthened that opposition. The fee of £5 is little enough for the great privilege of British citizenship, which is beyond calculation in coin. Reduction is advocated on the ground that exclusion from citizenship is objectionable. Naturalisation is the greatest of all guarantees of good conduct, and on that account is strongly to be encouraged. The pride taken in the certificate is almost pathetic: it is treasured with greater care than any bond or monetary document, and when it is not kept at a

bank, it is often framed and given the place of honour on the wall of the best room. And whatever the price, the desire to become naturalised remains keen in the extreme : the prospect it opens up for the alien and his children is a most beneficial influence, its acquirement is the culminating point in emancipation, the goal towards which the heart of the refugee is ever striving, the ambition which in his step-motherland is tyrannically crushed.

CHAPTER XII.

CONCLUSION.

To complete the survey, two communities of aliens need to be mentioned, the Chinese in Limehouse and in Liverpool, and the Letts and Lithuanians who work in the coal mines and the steel works in Lanarkshire, Scotland. The Chinese are a very small community who give little trouble to the police. The settlers in London exist mainly for the purpose of providing lodging-houses to the coolies who happen to be on shore for a while. There is a floating population of Oriental seamen in London, and on Sundays small gangs may be seen—weird looking purple patches from the Far East—threading their way through the nearer East of Whitechapel towards “Petticoat Lane,” there to purchase clothes so that they may be able to discard the thin and scanty raiment which accentuates their outlandish appearance. It is perhaps as well that they should be accommodated in the foreign lodging-houses in Limehouse. On the whole, very little is heard of the Chinese colony there, and most Englishmen are probably unaware of its existence. Occasionally the presence of the Celestials is advertised by a disturb-

ance which brings one or two in the police court, but this does not occur often, and for the most the London Chinese hold aloof, keeping themselves as inconspicuous and inoffensive as possible in the shuttered and curtained lodging houses, bearing their sign-lettering, in Limehouse Causeway and Pennyfields on the opposite side of West India Dock Road.

Liverpool's Chinatown loomed suddenly in the public eye at the end of 1906, when twenty-six newcomers bound for the Lancashire port arrived in London and were "held up" by the immigration officer. They were all coming to situations in the Chinese laundries in Liverpool, and the embarrassed Immigration Board called in judgment reluctantly came to the conclusion, after three sittings, that they could not keep them out. Subsequently I made investigations in Liverpool, and learnt that the worst feature of the colony there was that English girls run after the young Chinamen, some of whom, in their smart well-fitting English clothes, are by no means unattractive in appearance. The Chief Constable of Liverpool mentioned the same thing in a letter to the London Immigration Board. Liverpool's Chinatown, like the one at Limehouse, has the stamp of that Cosmopolitanism inevitable where seamen are lodged. It has a "Skandinavian" lodging house, a Japanese Home, and one or two shops where the signboards are painted in Greek characters. In Pitt Street, Liverpool, as in Lime-

house Causeway, the shop windows display packages of Chinese commodities. A manufacturer who has had a place of business in Pitt Street for many years spoke of the Chinese as a peaceable people, and they are on good terms with the native population. The district is much less foreign than it was many years ago, when it harboured a colony of Spaniards, Filipinos, and others, and the results can be seen to-day in the presence of a number of half-castes in the neighbourhood. There is a small Chinese Colony in Cardiff, and recently when several members were prosecuted for gambling and recommended for deportation, it was stated they were British subjects, born in Hong Kong !

I have been inside what may be termed an "opium den," and it was not pleasant. It was the ordinary bedroom of a Chinese lodging-house; the windows were tightly closed, the smoke hung like a haze in the room, and seen through it the men with the slit-eyes who lounged half-dressed on the beds seemed to be in a stupor. But nearly all were wide-awake; they were not inclined to be communicative, they resented my inquisitiveness, and closed the door so that the pungent odour of the opium should drive me out as quickly as possible. Very gingerly, one of them allowed me to handle his flute-like pipe, and another offered to show me how to smoke. The opium habit sounds revolting—no doubt it is—but I have been assured by several people that they would rather

deal with a man under the influence of the noxious drug than with a man intoxicated with drink. The Chinaman is a gambler, but then so is the English "sportsman." One thing to be said in favour of the Chinaman is that, as a rule, he is clean. Few Chinamen omit the duty of brushing their teeth and scraping their tongues with whale-bone when they arise; many will not say "good-morning" until this is done.

Of the Scotch colony I cannot speak at first hand, but I may quote from an interesting article in the *Daily Chronicle* of January 9th, 1911. Father Orr, of Motherwell, informed the writer that the Lithuanians were a likeable, even a lovable people: the second generation is bi-lingual, but inter-marriages with the Scotch are rare. They are domesticated, but quarrelsome when under the influence of beer or whisky at their dancing revels. Then there is trouble:

Quarrels spring up flame-like and without any apparent cause between men, blows are exchanged, and the article nearest to hand is used as a weapon. Although unarmed, and not, like Italians, given to carrying knives, the Lithuanians do not, as a rule, fight with their fists. When passion runs high, their favourite weapon is a beer bottle, the bottom of which they knock off. Using the neck as a handle, they will jab a man in the face with the ragged end and inflict ugly and serious injuries. Except on these occasions, the Lithuanians are peaceful and law-abiding citizens, and when they do break out they confine their quarrelling to themselves. They are, indeed, anxious to live on good terms with their

fellow-workers, and the feeling is reciprocated by the Scottish population.

The Letts are described as a "bad lot." They appear to be the most unfortunate and the least desirable of the subjects of the Tsar, the worst of the Ishmaelites embittered by oppression. Those, however, who are most heated in their diatribes against aliens must not complain of the colony in Scotland. The first of the Lithuanian and Polish workers were brought to Lanarkshire in 1894, says the *Daily Chronicle* writer, to break a strike among the Scottish ironworkers! A clause designed to prevent such an occurrence in future was rejected by the Unionist Government which passed the Aliens Act, and when, in 1906, a short measure to the same effect was passed by the House of Commons with the votes of Liberals, Labour Members and Conservatives, the House of Lords threw it out! The conclusion is inevitable that it was left for the Peers to show that "courage" which certain members in the Commons were afraid to display; and the feeling cannot be resisted that it was with an eye to the future that the Bill was cast out. That action throws a doubt upon the honesty of the anti-alien cry. The demand is for protection, not only against foreign criminals, but also against the honest and able foreign worker; yet the Aliens Act has been carefully devised to be utilised against the British workman in times of industrial strife. The Chinamen consigned to Liverpool could not be excluded

because situations were waiting for all of them, and on another occasion a number of foreign workmen brought over to fill places in Woolwich (not during a strike) also had to be admitted. It is open to any employer to import foreigners to take the place of strikers: all he need do is to prove that situations are waiting for them. In America contract-labour is excluded: here it is a guarantee of admission. It is continually being urged that the English law should copy the American, but this provision is not advocated. Yet without it, English workmen will be at the mercy of any callous employer during a period of labour unrest. This is a point ignored by the agitators who are not sound or even informed on details.

Statistically, their contentions are puerile. Such figures as they have advanced are hopelessly incorrect. They were wrong years ago, they are all at sea with figures to-day when there is no excuse for it. And being erected on a foundation of figures proved to be inaccurate, the whole superstructure of the agitation is jerry-built: the windows are prisms of prejudice which give a distorted outlook, the highly-coloured decorations peel off under the search-light of calm criticism. The lumbering fabric is shown to be a hideous monstrosity which must be condemned as unsafe. It has been demonstrated in this volume from the latest official figures that the aliens in the United Kingdom form but a very small percentage of the population, that

their numbers have decreased in some of the years between the 1901 and the 1911 censuses, and that in the whole decade the increase, without taking deaths and naturalisations into account, is most probably under 30,000; also that overcrowding in the East End of London has been mitigated almost to the point of extinction, that the problem there is not a house famine but empty tenements on which rates are lost, that in consequence rents have fallen, sweeping away at the same time the "key-money" evil, and that there has been a great improvement sanitarily. Furthermore, it has been shown that the conditions in the "alien" districts are better than in others where aliens do not congregate, that "areas of infamy" have been wiped out and that a higher standard of living has been introduced by the Jews among whom the spirit of motherhood and of fatherhood is cultivated in a high degree to the resultant benefit of their English-born children. As for that "second generation," proof of a most convincing and trustworthy character—the evidence of native Christians, clergymen, schoolmasters and medical authorities—has been adduced that it is thoroughly English in spirit and of the material which makes for good and loyal citizenship.

It cannot have escaped notice that in the height of the public pandemonium following the Houndsditch horror, all the authorities most entitled to speak from long first-hand and intimate acquaintance of the East End testified to the integrity of

the vast majority of alien dwellers in that much-maligned district of London. The Archbishop of York, who was formerly Bishop of Stepney; Canon Barnett, the former Warden of Toynbee Hall; Mr. T. E. Harvey, M.P., the present Warden; the Rev. J. E. Watts-Ditchfield, Vicar of St. James-the-Less, Bethnal Green; and Mr. Glyn-Jones, M.P. for Stepney, all protested against the frenzied abuse showered on the district and its inhabitants, mostly by people who have never paid a visit to the area.

Speaking at Chester on Monday, January 9th, the Archbishop of York deprecated the view that the alien population was of the class of the Sidney Street miscreants, adding, "I know no steadier, better-conducted or more hard-working race of people than the Jewish aliens in London."¹ Writing in the *Daily News* the following day, January 10th, Canon Barnett expressed the fear that the public would be encouraged in an opinion contrary to facts: the people of East London, he declared, "are characterised by love of quietness rather than of violence." Both he and Mr. Harvey regretted the public feeling as calculated to cause mischief; and in the course of a dignified statement in the *Toynbee Record* for January the present Warden remarked:—

"Whitechapel is treated as a land of foreign pirates and strange criminal conspirators; it is imagined that it is dangerous to live and work here, though there are few

¹ *Daily Telegraph*, January 10th, 1911.

healthier or safer districts in London; the criminal act of a tiny group of most untypical outlaws from a land in which law is often the negation of justice has been made the basis of a fierce campaign against a large number of harmless men and women who had neither sympathy nor connection with them.

"The foreign-born inhabitants of Stepney have, of course, their defects, just as have the rest of us, though in their case these are often the results of centuries of oppression and persecution; but not only are they in general law-abiding and peace-loving folk, proud of the liberty which England has given them and grateful for the toleration they failed to find elsewhere, but the part of London in which they live is actually freer from crimes of violence and risk of theft than are other districts where there is no appreciable proportion of aliens. In the immediate neighbourhood of Toynbee Hall, a street through which it was once unsafe for strangers to pass after dark, is now one through which women and children may pass without risk, and one in which there is less likelihood that a man may be robbed of his watch or purse than in Oxford Street or Piccadilly. Those who have intimate local knowledge of other streets and alleys could probably tell a similar story, while almost the only street in the area adjoining the Settlement which would still have to be marked black in a new edition of Mr. Charles Booth's map of London poverty is one which contains comparatively few aliens. The experience of the police and the statistics of crime show that the gradual increase of foreign-born inhabitants in Whitechapel has been accompanied by a steady decrease of breaches of the law: in particular, social workers all bear witness to the strong family affection, the sober habits, and quiet-loving dispositions of the great majority of these good neighbours of ours."

In a letter to the *Standard* on February 2nd, Mr. Harvey paid a glowing tribute to the "second generation" and its "wonderful results achieved

by an environment of freedom," and he referred to "whole streets which twenty years ago were of of worst character, now filled by families who have turned the haunts of thieves and prostitutes into honest homes." Mr. Harvey further denied the allegation that the alien Jew has no sense of honour in dealing with Gentiles. Preaching at Christ Church, Newgate Street, E.C., on March 15th, the Rev. J. E. Watts-Ditchfield drew attention to the diminution of alien crime, and to the great care which Jews take of their children.¹ Mr. Glyn-Jones, who sits in Parliament now for Sir William Evans Gordon's old constituency, has adopted a different line from that pursued by his predecessor. Major Evans Gordon was the champion of those who delighted in harrying the alien and inflaming the public against him: Mr. Glyn-Jones, at a non-party gathering, a dinner given to him by his "friends in pharmacy" on January 26th, spoke of the "poor but honest people of all creeds and nationalities living in my constituency, whose honour I shall have an easy task in defending from the unkind, unthinking comments of many who really should be helping to make easier the paths now strewn with difficulties of those thousands of so-called East-Enders who, with rectitude, fortitude and patience, offer an example to their thoughtless critics whose lives are cast in better places."²

¹ *Times*, March 16th, 1911.

² *Jewish Chronicle*, February 3rd, 1911.

Such testimony from men in a position to know can be multiplied. It cannot be due to a conspiracy. It is worth all the torrent of wild abuse that violates the spirit of any religion.

The day is fast approaching when the public will not be able to close its eyes to the change that is proceeding in its midst, a metamorphosis which is a repetition of history. Industries introduced by aliens centuries back passed duly into the hands of the natives, and the same thing is happening again. Cigarettes are made mostly in English factories: alien boot and shoe and slipper makers are the small men who cannot compete against the machinery which is revolutionising this industry: tailoring, the chief alien among the trades, is being steadily, but surely wrested from the foreigner and from the Jew. A movement which was gradual years ago has become distinctly perceptible of late.

The work is passing into the factories, into the hands of English girls and away from the Jewish centres into non-alien towns. The supply of Jewish workmen is falling off: a statement to that effect made last summer aroused great interest. Different opinions were expressed on the point that tailors were scarce, but that statement has recently been revived. Councillor Mark Moses, J.P., of Stepney, a master tailor, declares that the clothing trade is leaving London for the garrison towns where the cost of labour is lower, and also because at times of pressure the Metropolitan

Jewish tailors *can no longer cope with the work.¹

This new condition, which is the cause of much pessimism among the Jewish tailors, is too young to warrant any definite pronouncement, but it is a symptom worth watching, for it must be taken in conjunction with other changes. It is one of the proofs of the decline of alien immigration; it is evidence also of the outflow by emigration of Jewish tailors from Leeds and elsewhere. This efflux to Canada, the United States, South America and even to Japan, where new clothing markets are being created, has been noted for some time. In the view of a director of one of the Leeds ready-made clothing houses, there is a probability of the situation becoming acute.² An interesting contributory cause is that the children of alien immigrants do not enter the clothing trade in such numbers as they did formerly. Largely, this is because of the tendency to emigration, which has always been keen among them. And so, as industries have gone in the past, tailoring is

¹ *Jewish Chronicle*, March 17th, 1911. In the preceding issue of the same paper, a report is printed of the annual "budget" speech of Mr. Stettauer, L.C.C., one of the treasurers of the United Synagogue, who declared that the marriage and burial statistics pointed to a decline in the Jewish population of London. This he attributed to the Aliens Act. Mr. Stettauer is a member of the London Immigration Board. The United Synagogue does not, however, either "marry" or "bury" for the whole of the London Jewish community, and its treasurer's opinion is interesting, but not conclusive.

² *Leeds Mercury*, August 17th, 1910.

going to day, out of the workshops of the aliens into the English factories. It is curious that one of the reasons should be the desire for cheapness.

The public can no longer be unaware of the fact that sweating in its worst and most persistent form is to be found in native trades. Some of the revelations in recent years have been painful. In one of the Poor Law Commission Blue Books it was stated that shirts are made in Glasgow at sweated rates to enable the manufacturers to sell them at low prices for distribution by missionaries in Africa.¹ At the Sweated Industries Exhibition at Queen's Hall, London, in 1906, the folding of Bibles was shown. Those must be the Bibles distributed in great quantities, driving one to the conclusion that it is easier to give away the word of God than to keep it. In an article in the Exhibition catalogue on Bible-folding, Miss Clementina Black remarked: "The history of the trade seems to show that religious books have often had a regrettable tendency towards those rates of pay which bear the invidious epithet of sweating."² And not only books. At the Exhibition one of the most pathetic figures was a woman making confirmation wreaths: each wreath contained one gross of white flowers, and her pay was one shilling and ninepence per dozen wreaths! All this was unseen in the dark background until

¹ Cd. 4,690, p. 247.

² P. 82.

lately, with the alien in the garish limelight, a convenient scapegoat.

In the same way the foreign resident is used as an argument by the advocates of Sunday closing. The sincerity of the majority of those who are urging this movement to the front is beyond question, and the anxiety of all classes of people for a weekly rest day should meet with legislative reward. But to lay blame upon the aliens is hypocritically to overlook the enormous amount of Sunday trading and Sunday pleasure-making among natives. It is obvious that a goodly proportion of aliens are engaged in work and in trade on Sunday, but to turn a regretful eye on the "Petticoat Lane" is to forget that there are many Sunday markets in the Metropolis—North, South and West, as well as East—in districts where there are no aliens. They are old institutions—a regrettable necessity in many respects; they cater for numbers of people who do not receive their weekly wages until late on Saturday night when shopping is no longer possible. And in the mass there is more native than alien trading on Sunday. In evidence before the Joint Select Committee on Sunday Trading in 1906, Mr. Thomas Hunter, Town Clerk of Edinburgh, produced statistics showing that of 1,324 shops open in the city on a Sunday, only 45 belonged to Jews.¹ Major Tarry, the Chief Constable of Leeds, gave the following figures: 2,039 shops

¹ No. 275, min. 915.

open, of which only 528 were Jewish.¹ Mr. Robert Peacock, Chief Constable of Manchester, found in his city 5,288 shops open, only 505 being Jewish.² Gentile tobacconists and sweet-sellers insisted that Sunday was their best day, and a Newington Butts fishmonger said the same thing.³ The Sunday problem is not confined to shops alone. It is involved in the week-end fever, in the growing desire for recreation, in the spread of Sunday games; it is bound up with golf, bridge, rinking, motoring; and only a few weeks ago Sunday shooting was advocated by Major-General Arthur Henniker at the annual prize distribution of the 2nd City of London Battalion (Royal Fusiliers).⁴

All the statistics put forward in this volume demonstrate the cruelty of the reckless exaggeration that has marked the anti-alien campaign for years. Its wildest flight took the form used by Mr. Whelpley in his book: "Charitable institutions, prisons and hospitals are crowded with aliens, and some of the trades are so burdened with this low-grade labour that the British workman is driven out."⁵ That is bad enough when it trickles foolishly from the pen of a writer who has not taken the trouble to study statistics, but it is wicked in the extreme when it falls from the lips

¹ *Ibid.*, min. 2,043.

² *Ibid.*, mins. 2,074, 2,137

³ *Ibid.*, min. 672.

⁴ *Standard*, March 6th, 1911.

⁵ "The Problem of the Immigrant," p. 27.

of a politician high in the counsels of his party. It was Mr. Walter Long, speaking at Bristol on May 5th, 1905, whilst he was a Cabinet Minister, who lent himself to this pernicious method of dealing with the problem. The aliens, he declared, filled our asylums and our gaols.¹ To him and to others who, more recently, with all their wit and wisdom, all their faculty for sober reflection in a state of *deshabille*, have disported themselves before the public, the study of the facts and figures in this book is commended. The day for platform rant is gone. The question of alien immigration into England is bound up with another of more serious moment to British shipping and trade interests.

From Europe there is an annual outpouring of thousands of men, women and children of different creeds and nationalities and races towards the New World. It is a human tide which flows strongest in the spring and summer. A portion of the current touches our shores; it is a living Gulf Stream raising the barometer of our carrying industry. It will be a serious matter if hysteria in this country, most of it not spontaneous, but organised, will deflect that stream. Our geographical position is a tremendous asset in our favour, but organisation on the Continent and leviathans of mighty power on the ocean are in combination to overcome and destroy that advantage. Hamburg and Bremen are the chief

¹ *Times*, May 6th, 1905.

competing ports from which the multitudes, most of them young people rich with the promise of life, are despatched to the Western Hemisphere. Bremen has sent out nearly a quarter of a million in a year ; Hamburg, nearly 200,000. Nothing is left undone to augment the vast traffic and to capture that portion which England holds. It was not mere coincidence that on the very day on which the Aliens Act of 1905 was introduced into the House of Commons the two great German Atlantic shipping companies should publish their reports of immigrants rejected at their ports and prevented from leaving for America. It was left to be assumed that these rejected were dumped in England. With the same laudable desire are certain foreign Consular reports written. Englishmen rise readily to the bait, and the Continental shippers benefit at the expense of the English companies.

They are not content merely to provide shipping accommodation. The *Auswandererhallen* (like ten Rowton Houses) at Bremen, and the emigrant cantonment at Hamburg are capable of housing many thousands of travellers daily. It is a convenience for them ; it is profitable to the companies, for the emigrants pay 1s. 9d. per day at Bremen and 2s. per day at Hamburg. With all the splendid organisation they are unable to cope with the annual rush of traffic in the spring. When I was at Bremen in April, 1910, the streets were filled with polyglot crowds in a medley

of strange costumes. Ten special trains were despatched with passengers for the boats waiting at Bremerhaven, and one of the largest shipping agents on the Continent said to me that he could send thousands *viâ* London. "But," he added, "your Aliens Act is one bar and your amazing lack of accommodation is another."

That lack is notorious and not creditable to English enterprise. During the rush last year all the charitable hostels were pressed into service, but were a long way from being sufficient, and complaint was made to the Home Office. There was an extraordinary amount of sub-contracting from one lodging-house keeper to another until the man who actually found accommodation for the waiting emigrants received so small an amount of the original sum paid by the shipping companies in respect of each passenger that there was trouble which at one time threatened to assume serious proportions. One contingent got bread and water for their food and had to fight for that; not a few travellers wandered the streets at night. They were astounded at the treatment meted out to them in England. These travellers write home to their relatives and friends, telling them by which routes to travel, and it is only natural that they should recommend Hamburg and Bremen with their lofty dormitories and the neat, clean beds ranged in double tiers. There are family suites in the Hamburg cantonment which will challenge comparison with accommodation at

first-class hotels, and the charge is but 3s. 6d. per day for bed and board. There are two churches, a synagogue, a shop, a bandstand where an orchestra performs daily; and dances are arranged. A similar hostel is sorely needed in London. It is not necessary that it should be in London at all. Tilbury is the proper *locale*, and over the proposed new line, linking the port with the north, transmigrants could be sent direct to Liverpool without having to pass through the streets of the Metropolis in superannuated brakes to the disgust of the onlookers. Those for Southampton could be despatched from Gravesend just opposite.

An international conference to consider the whole question of emigration has been suggested, and it should not be long delayed. Primarily, it is a matter that concerns the carrying companies on land and sea. They benefit by the traffic, and the travellers are entitled to consideration for their money. Others should take part in the conference from altruistic motives. The emigrants, whilst passing through strange lands, are at the mercy of licensed brigands in the form of agents, some of whom work in gangs, passing on the helpless traveller to be fleeced and misdirected at every stage of his journey. It is a fiendish business which can be put down by the carrying companies and philanthropists working in unison. Already there are agencies engaged in circumventing the malpractices of the agents. The Jewish Colonisation Association, the outcome of Baron Hirsch's

bequeathed millions, issues warnings against the bandit brigades and supplies information free at a number of centres to intending travellers. The Jewish Territorial Organisation (Ito), of which Mr. Zangwill is the head, has succeeded in getting from the Russian Government certain concessions with regard to passports for those who desire to leave the country. But much remains to be done. The dilemma of the emigrants who understand not the language nor the customs of the countries through which they blunder is the opportunity of the White Slave trafficker.

Mr. Arnold White has his own solution. Over his signature of "Vanoc," he suggested in the *Referee*¹ that Lord Rothschild should stop Russian immigration into this country. Stop emigration from Russia! I wonder if Mr. White knows the story of King Canute. Mr. White's latest utterance on the question of alien immigration is just about as germane to the subject as vaccination is to the licensing laws. Not long ago he conveyed the impression that he had at last come to a sane conclusion with regard to the Jews. He asked whether there was a Jewish question at all, thus vitiating the whole object of his book, "The Modern Jew." He admitted that (like other people) Jews, united silently in their greatest interests, differ from each other in essentials; he pointed out that there is no Jewish Party in Parliament, and that it is doubtful whether Jewish electors vote more

¹ January 15th, 1911.

solidly than other people; that the belief in Jewish solidarity (which he once shared) is a common fallacy. He spoke of the necessity of deflecting the money spent by conversionist societies, to impart "Hebrew virtues to the children of heathen Gentiles" and said also, "We have more to learn from the Jews and other Asiatics than to teach them."¹ In that last sentence Mr. White shows how hopeless he is as a serious thinker, how inevitable it is that he should lapse into thoughts jejune. In the same breath in which he pays the Jews compliments he is anxious to ostracise them as "Asiatics." Mr. White never understood the Jews and never comprehended the question of alien immigration into this country, or the greater question of emigration from Europe. The latter subject is far removed from a Jewish, or a religious, or a racial question. A mere glance at the statistics in the annual Emigration and Immigration White Paper will show that emigrants, most of them non-Jewish, leave Russia and other lands in vast masses.

Norway, Sweden, Denmark and Germany have been pouring out tens of thousands these past few years; Portugal has swelled the stream with scores of thousands. But from Italy and Austria a volume running into hundreds of thousands has gushed forth. From Italy in one year went over half a million! And these figures are not complete. America is the great magnet. In 1905, 1906 and

¹ "The Views of Vanoc," pp. 83—5.

1907 it attracted over a million each year ; in 1908 and 1909, following the financial crisis, the figure fell to something over three-quarters of a million, but in the year ending June 30th, 1910, the million was exceeded again, the figure being 1,041,570. Deducting those who left, there was a net influx of 839,134. Of the total 169,908 were Russians, 163,412 Italian, 91,397 British, 110,067 Austrian, 101,459 Hungarian, 59,582 German, 44,697 Scandinavian, 32,501 Croatians and Slavonians, and 30,584 Greeks. "Hebrews" numbered 78,392.

It is true opinion exists in America that some limitation of these enormous figures is necessary. That is apparently due to the tendency of new arrivals to concentrate in the Eastern cities. Dispersion, which is being encouraged in every possible way, is the remedy for that unsatisfactory feature. The United States is expansive enough to give room to millions yet unborn. More than that, America is the greatest "melting-pot" of the human race. Environment works wonders across the Atlantic ; the most extraordinary physiological changes take place in the children of the immigrants, even the shape of the head being altered in the first generation.¹ And long before the United States becomes over-populated, the countries of South America will make a powerful rival bid for the favour of the emigrants of the Old World. Already they are competing. The Argentine alone now absorbs 250,000 aliens

¹ *Times*, March 11th, 1911.

annually, and as the sea journey becomes shorter, and the Republics develop, the attractive power of the southern portion of the Western Hemisphere will increase.

There is a moral to be drawn from this European exodus, mainly of Christian people, thousands of whom are afraid to look at the sea. It is a moral of deepest significance to those who, hating the foreigner as if their very life depended upon it, have allowed themselves to be inoculated with the virus of Continental legislative terrorism and are ever recommending alien methods of government for England. Despite those laws and the organisation which excites admiration, there are vast tracts of territory on the Continent in an almost chronic state of social, political and economic chaos. It is from that the people are flying, from the over-elaborate discipline of despotic dominance and reactionary rule that regards man not as a human being, but as fuel to feed the flames on the altar of liberty denied. Ticketed, labelled, watched from the cradle to the grave, marshalled through life in a condition bordering on serfdom, men are looked upon as nothing more than sacrifices to the Moloch of Militarism. The various passport and registration systems do not exist for the purpose of detecting criminals or organising trade. The countries we are asked to copy have more alien criminals to contend with than have our police: the numbering, the guarding and the checking at every step is done for the purpose of keeping every

possible conscript perpetually under control. From that thralldom cramping all effort and destroying all hope, the best blood and bodily framework of European humanity is rushing to the New World and to freedom. It is revolt by emigration.

APPENDIX.

ALIENS ACT, 1905.

(5 EDW. 7, c. 13.)

AN Act to amend the Law with regard to Aliens.

[11th August, 1905.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Regulation of Alien Immigration.

1. POWER TO PREVENT THE LANDING OF UNDESIRABLE IMMIGRANTS.—(1) An immigrant shall not be landed in the United Kingdom from an immigrant ship except at a port at which there is an immigration officer appointed under this Act, and shall not be landed at any such port without the leave of that officer given after an inspection of the immigrants made by him on the ship, or elsewhere if the immigrants are conditionally disembarked for the purpose, in company with a medical inspector, such inspection to be made as soon as practicable, and the immigration officer shall withhold leave in the case of any immigrant who appears to him to be an undesirable immigrant within the meaning of this section.

(2) Where leave to land is so withheld in the case of any immigrant, the master, owner, or agent of the

ship, or the immigrant, may appeal to the immigration board of the port, and that board shall, if they are satisfied that leave to land should not be withheld under this Act, give leave to land, and leave so given shall operate as the leave of the immigration officer.

(3) For the purposes of this section an immigrant shall be considered an undesirable immigrant—

- (a) if he cannot show that he has in his possession or is in a position to obtain the means of decently supporting himself and his dependents (if any); or
- (b) if he is a lunatic or an idiot, or owing to any disease or infirmity appears likely to become a charge upon the rates or otherwise a detriment to the public; or
- (c) if he has been sentenced in a foreign country with which there is an extradition treaty for a crime, not being an offence of a political character, which is, as respects that country, an extradition crime within the meaning of the Extradition Act. 1870; or
- (d) if an expulsion order under this Act has been made in his case;

but, in the case of an immigrant who proves that he is seeking admission to this country solely to avoid prosecution or punishment on religious or political grounds or for an offence of a political character, or persecution, involving danger of imprisonment or danger to life or limb, on account of religious belief, leave to land shall not be refused on the ground merely of want of means, or the probability of his becoming a charge on the rates, nor shall leave to land be withheld in the case of an immigrant who shows to the satisfaction of the immigration officer or board concerned with the case that, having taken his ticket in the United Kingdom and embarked direct therefrom for some other country immediately after a period of residence in the United Kingdom of not less than six months, he has been refused admission in

that country and returned direct therefrom to a port in the United Kingdom, and leave to land shall not be refused merely on the ground of want of means to any immigrant who satisfies the immigration officer or board concerned with the case that he was born in the United Kingdom, his father being a British subject.

(4) The Secretary of State may, subject to such conditions as he thinks fit to impose, by order exempt any immigrant ships from the provisions of this section if he is satisfied that a proper system is being maintained for preventing the embarkation of undesirable immigrants on those ships, or if security is given to his satisfaction that undesirable immigrants will not be landed in the United Kingdom from those ships except for the purpose of transit.

Any such order of exemption may be withdrawn at any time at the discretion of the Secretary of State.

(5) Any immigrant who lands, and any master of a ship who allows an immigrant to be landed, in contravention of this section shall be guilty of an offence under this Act, but an immigrant conditionally disembarked shall not be deemed to have landed so long as the conditions are complied with.

2. IMMIGRATION BOARD AND RULES.—(1) The immigration board for a port shall consist of three persons summoned in accordance with rules made by the Secretary of State under this Act out of a list approved by him for the port comprising fit persons having magisterial, business, or administrative experience.

(2) A Secretary of State may make rules generally with respect to immigration boards and their officers, and with respect to appeals to those boards, and with respect to the conditional disembarkation of immigrants for the purpose of inspection, appeals, or otherwise, and may by those rules amongst other things provide for the summoning and procedure of the board, and for the place of meeting of the board, and for the security to be given by the master of the

ship in the case of immigrants conditionally disembarked. Rules made under this section shall provide for notice being given to masters of immigrant ships and immigrants informing them of their right of appeal, and also, where leave to land is withheld in the case of any immigrant by the immigration officer, for notice being given to the immigrant and the master of the immigrant ship of the grounds on which leave has been withheld.

Expulsion of Undesirable Aliens.

3. POWER OF SECRETARY OF STATE TO MAKE AN EXPULSION ORDER.—(1) The Secretary of State may, if he thinks fit, make an order (in this Act referred to as an expulsion order) requiring an alien to leave the United Kingdom within a time fixed by the order, and thereafter to remain out of the United Kingdom—

- (a) if it is certified to him by any court (including a court of summary jurisdiction) that the alien has been convicted by that court of any felony, or misdemeanour, or other offence for which the court has power to impose imprisonment without the option of a fine, or of an offence under paragraph twenty-two or twenty-three of section three hundred and eighty-one of the Burgh Police (Scotland) Act, 1892, or of an offence as a prostitute under section seventy-two of the Towns Improvement (Ireland) Act, 1854, or paragraph eleven of section fifty-four of the Metropolitan Police Act, 1839, and that the court recommend that an expulsion order should be made in his case, either in addition to or in lieu of his sentence ; and
- (b) if it is certified to him by a court of summary jurisdiction after proceedings taken for the purpose within twelve months after the alien has last entered the United Kingdom, in

accordance with rules of court made under section twenty-nine of the Summary Jurisdiction Act, 1879, that the alien—

(i) has within three months from the time at which proceedings for the certificate are commenced been in receipt of any such parochial relief as disqualifies a person for the parliamentary franchise, or been found wandering without ostensible means of subsistence, or been living under insanitary conditions due to overcrowding; or

(ii) has entered the United Kingdom after the passing of this Act, and has been sentenced in a foreign country with which there is an extradition treaty for a crime not being an offence of a political character which is as respects that country an extradition crime within the meaning of the Extradition Act, 1870.

(2) If any alien in whose case an expulsion order has been made is at any time found within the United Kingdom in contravention of the order, he shall be guilty of an offence under this Act.

4. EXPENSES OF RETURN OF ALIEN, &C.—(1) Where an expulsion order is made in the case of any alien, the Secretary of State may, if he thinks fit, pay the whole or any part of the expenses of or incidental to the departure from the United Kingdom and maintenance until departure of the alien and his dependents (if any).

(2) If an expulsion order is made in the case of any alien (not being an alien who last entered the United Kingdom before the commencement of this Act, or an immigrant in whose case leave to land has been given under this Act) on a certificate given within six months after he has last entered the United Kingdom, the master of the ship in which he has been brought to the United Kingdom and also the master of any ship belonging to the same owner shall be liable to pay to the Secretary of State as a debt due to the

Crown any sums paid by the Secretary of State under this section in connexion with the alien, and shall, if required by the Secretary of State, receive the alien and his dependents (if any) on board his ship, and afford them free of charge a passage to the port of embarkation and proper accommodation and maintenance during the passage.

(3) If the master of a ship fails to comply with the provisions of this section as to giving a passage to an alien or his dependents, he shall be guilty of an offence under this Act.

General.

5. RETURNS AS TO ALIENS.—(1) The master of any ship landing or embarking passengers at any port in the United Kingdom shall furnish to such person, and in such manner as the Secretary of State directs a return giving such particulars with respect to any such passengers who are aliens as may be required for the time being by order of the Secretary of State, and any such passenger shall furnish the master of the ship with any information required by him for the purpose of the return.

(2) If the master of a ship fails to make the return required by this section, or makes a false return, he shall be guilty of an offence under this Act, and if any alien refuses to give information required by the master of the ship for the purpose of the return under this section, or gives any false information for the purpose, he shall be liable on summary conviction to imprisonment for a term not exceeding three months with hard labour.

(3) The Secretary of State may by order exempt from the provisions of this section any special class of passengers or voyages, or any special ships or ports, but any such order may be withdrawn at any time at his discretion.

6. APPOINTMENT OF OFFICERS, AND EXPENSES.—

(1) The Secretary of State shall appoint, at such ports in the United Kingdom as he thinks necessary for the

time being, immigration officers and medical inspectors and may appoint or employ such other officers or persons as may be required for the purposes of immigration boards, or for the purpose of the returns to be given under this Act, or otherwise for carrying this Act into effect, and the salary and remuneration of any officers, inspectors, or persons so appointed or employed and any expenses otherwise incurred in carrying this Act into effect (including such payment as may be sanctioned by the Treasury, for the attendance of any person as a member of an immigration board to hear appeals), shall, up to an amount approved by the Treasury, be paid out of moneys provided by Parliament.

(2) The Secretary of State may arrange with the Commissioners of Customs or any other Government department or any port sanitary authority for the appointment or employment of officers of Customs or officers of that department or authority as officers under this Act.

(3) The Secretary of State shall make known, in such manner as he thinks best suited for the purpose, the ports at which immigration officers are for the time being appointed under this Act.

7. SUPPLEMENTAL PROVISIONS.—(1) Any person guilty of an offence under this Act shall, if the offence is committed by him as the master of a ship, be liable, on summary conviction, to a fine not exceeding one hundred pounds, and, if the offence is committed by him as an immigrant or alien, be deemed a rogue and vagabond within the meaning of the Vagrancy Act, 1824, and be liable to be dealt with accordingly as if the offence were an offence under section four of that Act.

(2) Sections six hundred and eighty-four, six hundred and eighty-five, and six hundred and eighty-six of the Merchant Shipping Act, 1894 (which relate to the jurisdiction of courts and justices), shall apply with respect to jurisdiction under this Act as they apply with respect to jurisdiction under that Act, and

section six hundred and ninety-three of the Merchant Shipping Act, 1894 (which relates to the levying of sums ordered to be paid by distress on a ship), shall apply with respect to any fines or other sums of money to be paid under this Act by the master of a ship as it applies with respect to fines and other sums of money to be paid under that Act.

(3) Any immigrant who is conditionally disembarked and any alien in whose case an expulsion order is made, while awaiting the departure of his ship, and whilst being conveyed to the ship, and whilst on board the ship until the ship finally leaves the United Kingdom, and any alien in whose case a certificate has been given by a court, with a view to the making of an expulsion order under this Act, until the Secretary of State has decided upon his case, shall be liable to be kept in custody in such manner as the Secretary of State directs, and whilst in that custody shall be deemed to be in legal custody.

(4) If any immigrant, master of a ship, or other person, for the purposes of this Act, makes any false statement or false representation to an immigration officer, medical inspector, immigration board, or to the Secretary of State, he shall be liable on summary conviction to imprisonment for a term not exceeding three months with hard labour.

(5) If any question arises on any proceedings under this Act, or with reference to anything done or proposed to be done under this Act, whether any person is an alien or not, the onus of proving that that person is not an alien shall lie on that person.

(6) In carrying out the provisions of this Act, due regard shall be had to any treaty, convention, arrangement, or engagement with any foreign country.

8. DEFINITIONS.—(1) The expression “immigrant” in this Act means an alien steerage passenger who is to be landed in the United Kingdom, but does not include—

(a) Any passenger who shows to the satisfaction of the immigration officer or board concerned with the case that he desires to land in the United Kingdom only for the purpose of proceeding within a reasonable time to some destination out of the United Kingdom ; or

(b) Any passengers holding prepaid through tickets to some such destination, if the master or owner of the ship by which they are brought to the United Kingdom, or by which they are to be taken away from the United Kingdom, gives security to the satisfaction of the Secretary of State that, except for the purposes of transit or under other circumstances approved by the Secretary of State, they will not remain in the United Kingdom, or, having been rejected in another country re-enter the United Kingdom, and that they will be properly maintained and controlled during their transit.

(2) The expression "immigrant ship" in this Act means a ship which brings to the United Kingdom more than twenty alien steerage passengers, who are to be landed in the United Kingdom, whether at the same or different ports, or such number of those passengers as may be for the time being fixed by order of the Secretary of State, either generally or as regards any special ships or ports.

(3) The expression "passenger" in this Act includes any person carried on the ship other than the master and persons employed in the working, or service, of the ship, and the expression "steerage passenger" in this Act includes all passengers except such persons as may be declared by the Secretary of State to be cabin passengers by order made either generally or as regards any special ships or ports.

(4) If any question arises under this Act on an appeal to an immigration board whether any ship is an immigrant ship within the meaning of this Act, or whether any person is an immigrant, a passenger, or

a steerage passenger, within the meaning of this Act, or whether any offence is an offence of a political character, or whether a crime is an extradition crime, that question shall be referred to the Secretary of State in accordance with rules made under this Act, and the Board shall act in accordance with his decision.

(5) The Secretary of State may withdraw or vary any order made by him under this section.

9. APPLICATION OF ACT TO SCOTLAND AND IRELAND.

—(1) In the application of this Act to Scotland and Ireland the words “be liable on summary conviction to imprisonment for a term not exceeding three months with hard labour” shall be substituted for the words “be deemed a rogue and vagabond within the meaning of the Vagrancy Act, 1824, and be liable to be dealt with accordingly as if the offence were an offence under section four of that Act.”

(2) Section thirty-three of the Summary Procedure (Scotland) Act, 1864, shall be substituted as respects Scotland for section twenty-nine of the Summary Jurisdiction Act, 1879; and the Lord Chancellor of Ireland may, as respects Ireland, make rules for the purposes of this Act for which rules may be made under section twenty-nine of the Summary Jurisdiction Act, 1879; and all rules so made shall be laid, as soon as may be, before both Houses of Parliament.

10. SHORT TITLE AND COMMENCEMENT, AND REPEAL.

—(1) This Act may be cited as the Aliens Act, 1905, and shall come into operation on the first day of January nineteen hundred and six.

(2) The Registration of Aliens Act, 1836, is hereby repealed.

RULES.

IMMIGRATION PORTS.—In pursuance of the provisions of the Aliens Act, 1905, I hereby make the following Rules, which shall have effect at the ports (hereinafter called Immigration Ports) of

Cardiff, Dover, Folkestone, Grangemouth, Grimsby, Harwich, Hull, Leith, Liverpool, London (including Queenborough), Newhaven, Plymouth,¹ Southampton, and the Tyne ports (comprising Newcastle, North Shields and South Shields, which are to be deemed to constitute one port for the purpose of these Rules)

at which Immigration Officers and Medical Inspectors have been appointed and Immigration Boards have been established, and at such other ports as may from time to time be designated as Immigration Ports.

1. **LEAVE TO LAND GIVEN.**—Where leave to land is given (otherwise than after an appeal to the Immigration Board), it shall be given by the Immigration Officer to the immigrant, and may be given verbally.

2. **OPINION OF MEDICAL INSPECTOR.**—Where the Medical Inspector is of opinion that an alien is an undesirable immigrant within the meaning of Section 1 (3) (b) of the Aliens Act, 1905, he shall state his opinion in the Form No. 1, and deliver the form to the Immigration Officer.

3. **LEAVE TO LAND WITHHELD.**—Where leave to land is withheld by the Immigration Officer, notice thereof and of the grounds of refusal and of the right to appeal against the refusal shall be given by him to the master of the ship, and to the immigrant, and shall be in the Form No. 2.

4. **NOTICE OF APPEAL TO IMMIGRATION OFFICER.**—Where an immigrant or other person entitled to appeal against the refusal of leave to land desires to appeal, he shall, if practicable, give notice to the

¹ Since added.

Immigration Officer before he leaves the ship or other place of inspection, and such notice may be given verbally; provided that the master, owner, or agent of the ship may (and shall if required by an immigrant) within 24 hours after the refusal of leave to land give written notice of appeal either by delivery to the Immigration Officer a notice in the Form No. 3, or by sending a similar notice to the nearest Custom House or Customs Watchhouse.

4a. RIGHT TO LEGAL ASSISTANCE.—Where the Immigration Officer receives notice of appeal from an immigrant he shall inform the immigrant that he has the right to have legal assistance in presenting his appeal to the Immigration Board, but that the expenses of such legal assistance must be borne by the immigrant himself. (Dated May 11th, 1910.)

5. NOTICE OF APPEAL TO IMMIGRATION BOARD CLERK.—Where the Immigration Officer receives notice of appeal from an immigrant or other person entitled to appeal he shall forthwith send notice to the Immigration Board Clerk. Such notice may be in the Form No. 4.

6. PROCEDURE WITH REGARD TO TRANSMIGRANTS.—For the purpose of enabling the Immigration Officer to satisfy himself that any passenger included in a Return of Transmigrants in respect of any immigrant ship is an alien passenger within the meaning of Section 8 (1) (b) of the Aliens Act, 1905, no passenger so included shall, except where the Secretary of State has sanctioned conditional disembarkation for the purpose, be allowed to leave the ship before the Immigration Officer has satisfied himself of the accuracy of that Return.¹

¹ Mr. H. S. Q. Henriques says it is open to question whether this rule is not *ultra vires*. Sect. 2 (2) empowers the Secretary of State to make rules with respect to the conditional disembarkation of "immigrants" but transmigrants are by sect. 8 (1) (b), expressly excluded from the definition of immigrants.—"Law of Aliens and Naturalization," p. 147.

7. **CONDITIONAL DISEMBARKATION.**—Conditional disembarkation of immigrants may be sanctioned by the Secretary of State when he is satisfied that proper provision has been made in a place and under conditions approved by him for the accommodation, maintenance, control, and safe custody of the immigrants so disembarked.

8. **SECURITY FOR CONDITIONAL DISEMBARKATION.**—Where security is required by the Secretary of State to be given for the conditional disembarkation of immigrants it shall be by bond, and shall be given by the master of the ship unless in any case the owner of a ship has given, to the satisfaction of the Secretary of State, security by bond covering all the ships owned by him arriving at the port or ports where conditional disembarkation has been sanctioned.

9. **CONDITIONAL DISEMBARKATION TO A HOSPITAL.**—Where an immigrant should, in the opinion of the Port Medical Officer of Health or Medical Inspector, be removed from an immigrant ship for treatment or observation at a hospital he shall be conditionally disembarked for the purpose, and shall be liable, before release from the hospital, to inspection for the purposes of the Act.

10. **CONDITIONAL DISEMBARKATION FOR APPEAL.**—Where an immigrant, or the master, owner, or agent of a ship, appeals against a refusal of leave to land, the immigrant shall, unless otherwise ordered, be disembarked for the purpose of being brought before an Immigration Board, and shall be dealt with as conditionally disembarked until leave to land has been given or he has been re-embarked for the purpose of leaving the United Kingdom.

11. **IMMIGRATION BOARD CLERK.**—For every Immigration Port there shall be an Immigration Board Clerk.

12. **ASSISTANTS TO OFFICERS.**—The Medical Inspector and the Immigration Board Clerk, when unable personally to perform their duties under the Act or these Rules, may act through a duly qualified

assistant under such conditions as the Secretary of State may from time to time impose.

13. DUTIES OF CLERK.—The duties of the Immigration Board Clerk shall be to act as clerk to the Immigration Board, and in particular—

- (a) To keep a list of the persons nominated by the Secretary of State for service on the Immigration Board.
- (b) To summon Boards for the purpose of considering any appeals of which he receives notice from the Immigration Officer.
- (c) To attend the meetings of the Boards.
- (d) To take minutes of the proceedings of the Boards, and to furnish such information or returns as the Secretary of State may require.
- (e) In the case of any reference to the Secretary of State under Section 8 (4) of the Aliens Act, 1905, to furnish a report on the question in dispute, accompanied by any statements in writing made by any party to the dispute.

14. SUMMONS TO IMMIGRATION BOARD.—When a notice of appeal has been received by the Immigration Board Clerk he shall, unless a Board has already been summoned by which the appeal can be considered, forthwith summon a Board, to be held, if practicable, not more than 24 hours after receipt of the notice. In calculating the 24 hours, Sundays and Bank Holidays shall be excluded. The notice summoning a Board may be in the Form No. 5.

15. METHOD OF SUMMONING MEMBERS OF BOARD.—The Clerk shall, so far as practicable, summon every member on the list in turn: provided that, where possible, a Magistrate shall always be a member of the Board.

16. PLACE OF MEETING OF BOARD.—The Boards shall meet at the places appointed by the Secretary of State from time to time for such meetings.

17. CHAIRMAN OF BOARD.—The Chairman of a Board shall, where any Magistrate is a Member of the Board,

be a Magistrate ; and, subject thereto, the Members shall choose the Chairman.

18. OPINION OF MAJORITY TO PREVAIL.—In the event of any disagreement between the Members of a Board the opinion of the majority shall prevail.

19. ADJOURNMENT.—Where a Board is of opinion that it is desirable to make further inquiries before deciding a case, it shall have power to adjourn the hearing.

20. NOTICE OF MEETING TO IMMIGRATION OFFICER AND MEDICAL INSPECTOR.—Notice of the time and place of every meeting of a Board shall be given to the Immigration Officer by the Clerk, and, if any immigrant whose case is to be heard by a Board has been rejected on medical grounds, also to the Medical Inspector. The notices may be respectively in Forms Nos. 6 and 7.

21. NOTICE OF MEETING OF BOARD TO APPELLANT.—When the Immigration Officer receives notice of the meeting of a Board he shall forthwith communicate the time and place thereof to the immigrant concerned, and to any other person who may be an appellant.

22. ATTENDANCE AT BOARD OF IMMIGRATION OFFICER AND MEDICAL INSPECTOR.—The Immigration Officer shall attend the meetings of the Boards, and the Medical Inspector, when the case of any immigrant who has been rejected on medical grounds is to be considered, shall also attend unless he receives notice dispensing with his attendance.

23. PROCEDURE OF BOARD.—The immigrant *and his legal representative (if any)*¹ (and the master, owner, or agent of the ship if an appellant), the Immigration Officer and the Medical Inspector, if present, shall be entitled to be heard, and the Board may put such questions to the alien or other appellant, and make such enquiries, if any, as they think fit. No other person shall be entitled to be heard without special leave from the Board. Subject as aforesaid, the procedure of the Board shall be such as the Board may determine.

¹ Added May 11th, 1910.

23A. ADMISSION OF PRESS.—Reasonable facilities (having regard to the accommodation available) shall be given for the attendance of Reporters to the public newspaper Press at any meeting of a Board at which an appeal is to be heard: provided that the Board shall be at liberty to deliberate in private before giving their decision in any case, and any Reporter present shall, if requested, withdraw in order that they may do so. (Dated March 20th, 1906.)

24. LEAVE TO LAND WITHHELD BY BOARD.—Where a Board confirms the refusal of leave to land, the Clerk shall countersign the copy of the original refusal of leave to land retained by the Immigration Officer, and shall forthwith give notice of the decision of the Board to the master of the ship and to the owner or agent, if an appellant. The notice shall be in the Form No. 8.

25. LEAVE TO LAND GIVEN BY BOARD.—Where a Board gives leave to land, the Clerk shall mark with the word "Cancelled" and sign the copy of the Immigration Officer's refusal of leave to land retained by the Immigration Officer, and shall forthwith give notice of the decision of the Board to the master of the ship and to the owner or agent, if an appellant. The notice shall be in the Form No. 9.

H. J. GLADSTONE,
One of His Majesty's Principal
Secretaries of State.

Whitehall,
19th December, 1905.

Statutory Rules and Orders (dated 19th December, 1905) were also issued directing masters of vessels to make the necessary returns, and fixing the number of alien steerage passengers constituting a vessel an "immigrant ship" at twelve instead of twenty,¹

¹ By an order dated March 9th, 1906, the number was restored to twenty.

These orders also contained the two following provisions:—

CUSTODY OF IMMIGRANT CONDITIONALLY DISEMBARKED.—I hereby direct that any immigrant who is conditionally disembarked for the purpose of inspection, appeal, or otherwise, shall be in the custody of the master of the ship until leave to land has been given, or, if leave is withheld, until he finally leaves the United Kingdom.

MEANING OF "STEERAGE PASSENGER."—Whereas Section 8 (3) of the Aliens Act, 1905, provides that the expression "steerage passenger" includes all passengers except such persons as may be declared by the Secretary of State to be cabin passengers:—

I by this Order declare all such passengers as are entitled to use the cabin, state rooms, or saloons where the accommodation is superior to that provided in any other part of the ship devoted to the carrying of passengers, to be cabin passengers for the purposes of the said Act.

"BENEFIT OF THE DOUBT" ORDER.

LETTER, ADDRESSED BY THE SECRETARY OF STATE FOR THE HOME DEPARTMENT TO MEMBERS OF IMMIGRATION BOARDS.

Whitehall,
9th March, 1906.

SIR,—I am directed by the Secretary of State to say that he has had under consideration the operation of the Aliens Act, 1905, in regard particularly to immigrants who may claim to be seeking admission to this country solely to avoid prosecution or punishment on religious or political grounds, or for an offence of a political character, or persecution involving danger of imprisonment, or danger to life or limb, on account of religious belief.

While fully recognising the extreme difficulty of

the task of determining the validity of any such claim, and the public spirit and assiduity with which Immigration Boards are discharging their duties under the Act, the Secretary of State thinks it desirable to set forth certain considerations of great importance in its administration.

The Act was passed for the purpose of checking the immigration of undesirable aliens. Parliament, in the judgment of the Secretary of State, never intended that in the administration for that object of the provisions of the Act, they should be applied with a rigidity which excludes considerations as to whether refusal to leave to land would involve great personal hardship or suffering in the case of women and children. So, too, a man who is free from any infectious or objectionable disease may be in a critical state of health, and to refuse him leave to land might expose him to cruel hardship. Again the statements of a man claiming to be a political or religious refugee may be insufficient or inaccurate, yet he may be exposed to serious risk from political causes if he is forced to return.

Though the Secretary of State recognises that the absence of corroborative evidence frequently makes it extremely difficult for Boards to come to a decision in cases falling within the proviso to section 1 (3) of the Act, he hopes that, having regard to the present disturbed condition of certain parts of the Continent, the benefit of the doubt, where any doubt exists, may be given in favour of any immigrants who allege that they are flying from religious or political persecution in disturbed districts, and that in such cases leave to land may be given.

The Secretary of State's attention has also been directed to the question of admitting the Newspaper Press to the meetings of the Immigration Board, and he is contemplating an additional rule to deal with this point. In the meantime, I am to say that he thinks that it would tend to the removal of certain misconceptions which have arisen as to the procedure

of the Boards and the grounds on which they have come to their decisions if the hearing of the cases were reported in the Newspaper Press, and he is of opinion that reasonable facilities (having regard to the accommodation available) should be given for the attendance of reporters. It will, of course, be competent for the Board to deliberate in private, if they so desire, before coming to their decision in any case: the reporters, if necessary, withdrawing for the purpose.

I am, &c.,

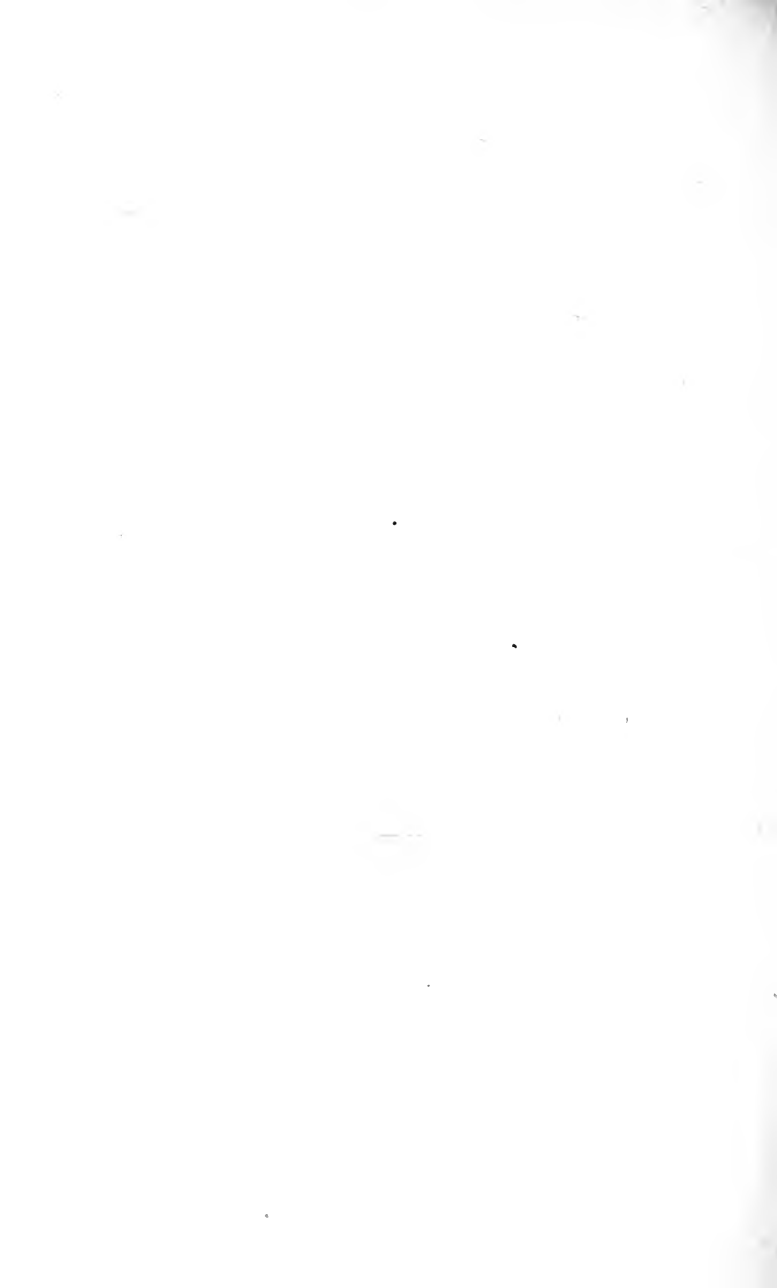
M. D. CHALMERS.

To the Members of
Immigration Boards.

INSTRUCTION TO IMMIGRATION OFFICERS.

SECTION 1 (3) (PROVISO).—In all cases in which immigrants, coming from the parts of the Continent which are at present in a disturbed condition, allege that they are flying from political or religious persecution, the benefit of the doubt, where any doubt exists, as to the truth of the allegation will be allowed, and leave to land will be given.

9th March, 1906.



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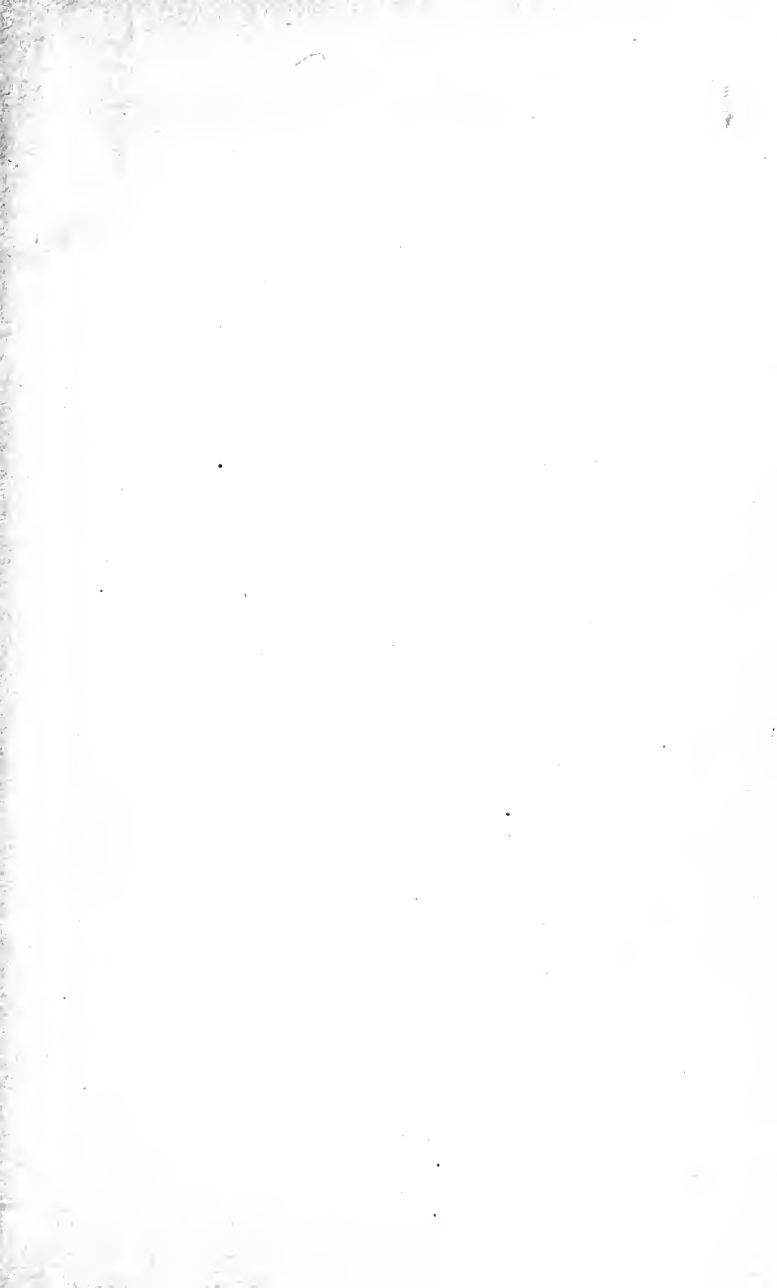
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